



W.P.No.29979 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29979 of 2023
and
W.M.P.No.29603 of 2023

G.Manikandan

... Petitioner

versus

- 1.The Secretary,
Department of Revenue and Disaster Management,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Thiruvallur District,
At Thiruvallur.
- 3.The Asst.Director of Panchayat,
O/o.The District Collector,
Thiruvallur District.
- 4.The Thasildar,
Uthukottai Taluk,
Thiruvallur District.
- 5.The Block Development Officer,
Poondi Panchayat Union,
Poondi & Post,Thiruvallur District.

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6.The Village Administrative Officer,
Peritivakkam Village,
Pondavakkam Post,
Uthukottai Taluk,
Thiruvallur District.

7.The President,
Peritivakkam Village Panchayat,
Pondavakkam Post,
Uthukottai Taluk,
Thiruvallur District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records from the fourth respondent pertaining to proceedings in Na.Ka.No.1170/2023/A2 dated 08.09.2023 and quash the same and consequently to direct the fourth respondent to carry out survey and restoration of entire water canal in S.Nos.53, 13, 24, 37, 38, 168 and 169 at Peritivakkam Village, Uthukottai Taluk, Thiruvallur District.

For Petitioner : Mr.T.E.Ekambaram

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 to 4 and 6
Mrs.K.Vasanthamala
Government Advocate for R5 and R7



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ORDER

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Mr.V.Veluchamy, learned Additional Government Pleader takes notice for respondents 1 to 4 and 6 and Mrs.K.Vasanthamala, learned Government Advocate takes notice for respondents 5 and 7. By consent of both the parties, the writ petition is taken up for final disposal at admission stage itself.

2.This Writ Petition has been filed to quash the impugned proceedings in Na.Ka.No.1170/2023/A2 dated 08.09.2023 and consequently to direct the fourth respondent to carry out survey and restoration of entire water canal in S.Nos.53, 13, 24, 37, 38, 168 and 169 at Peritivakkam Village, Uthukottai Taluk, Thiruvallur District.

3. The case of the petitioner as given in the affidavit is that the petitioner is the absolute owner of the agricultural lands of the petition mentioned properties. Adjoining to the said lands, runs a water canal in S.No.13, which is used to carry water from Araniar river nearby and drain into Peritivakkam lake. The seventh respondent herein made an unlawful



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demand to part with 0.03 cents of petitioner's agricultural land for construction of a Bus stand. Since the petitioner refused the same, the seventh respondent made an application to the fourth respondent to survey the water canal in S.No.13 and subsequently, to dig up the canal. Even though the whole stretch of the water canal runs through S.Nos.53, 13, 24, 37, 38, 168 and 169 at Peritivakkam Village, Uthukottai Taluk, Thiruvallur District, the fourth respondent passed the impugned proceedings dated 08.09.2023 and surveyed the canal in S.No.13 alone. If the water canal is dig up at S.No.13 alone, rain water will get logged up in the pit causing severe damage to the petitioner's crops. The fourth respondent has issued orders for surveying the canal in S.No.13 alone, without giving an opportunity to the petitioner, which is against the principles of natural justice. Hence, the petitioner has given a representation dated 09.09.2023 to the respondents, but the fourth respondent has not considered the same yet.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. It is seen from the impugned proceedings that the fourth respondent called the adjacent owners of the canal in S.Nos.13, 24, 37 and 38 at Peritivakkam Village, Uthukottai Taluk, Thiruvallur District, to be present at the time of surveying the canal i.e. on 14.9.2023. Since the survey was already conducted on 14.09.2023, the prayer sought for in this writ petition has become infructuous.

6. Accordingly, this writ petition is dismissed as having become infructuous. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Speaking/Non-speaking order

Index : Yes/No

Neutral Citation : Yes/No

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