



W.P(MD)No.1222 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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R.Karunanithi,
President,
Aringnar Anna Farmers Welfare Sangam,
Main Road, Kamatchipuram Post,
Thiruvadaimaruthur Taluk,
Thanjavur District.

... Petitioner

vs.

- 1.The District Collector,
Collector Office,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kumbakonam,
Thanjavur District.
- 3.The Tahsildar,
Thiruvadaimaruthur Taluk,
Thanjavur District.
- 4.The Surveyor,
Thiruvadaimaruthur Taluk,
Thanjavur District.
- 5.Sekar



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6.Ravi
7.Sathiyabama
8.Savithiri
9.K.Jawahar
10.Savithiri

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 10 and to restore the pathway and supply of water for using agricultural purposes of the lands belonging to the members of the petitioner Sangam situated in Marathurai Revenue Village No.3, Hamlet of Odaipallam Village, Thiruvidaimaruthur Taluk, Thanjavur District.

For Petitioner : Mr.A.R.Sethupathy

For RR 1 to 4 : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 10 and to restore the pathway and supply of water for using agricultural purposes of the lands belonging to the members of the petitioner Sangam situated in Marathurai Revenue Village No.3, Hamlet of Odaipallam Village, Thiruvidaimaruthur Taluk, Thanjavur District.



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2..According to the petitioner, he is the President of the Farmers Welfare Sangam. The Farmers got the properties of Krishnammal, which was acquired by the Government under the Land Ceiling Act. All the properties are nanja lands irrigated by Pandian Voikal which is diverted to Odaipallam. The Village Odaipallam has situated about 1 km from the place of diversion of the Voikal. The respondents 5 to 10 owned about 2 acres on the Southern side of Odaipallam Voikal, for which they are entitled to irrigate from another Voikal named as 'Kattikarakollai Voikal". Originally there was a pathway with a width of 7 meters at the point of diversion of the Voikal. While so, the respondents 5 to 10 have removed the entire channel to an extent of 90 meters and they have also removed the pathway as well. Hence, the petitioner made a representation to the respondents 1 to 4. On receipt of the representation, the respondents 2 to 4 inspected the property in question and verified with the revenue records, wherein it was found that the respondents 5 to 19 have encroached the pathway. Thereafter, no action has been taken by the respondents 1 to 4. Hence, the petitioner has filed the present Writ Petition.



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3.The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the official respondents have taken action and restored the pathway for the free flow of water. The obstruction has been removed and the water has been freely flowing through the channel without obstruction. Therefore, the representation of the petitioner has been duly considered by the official respondents.

4.Recording the aforesaid statement of the learned Additional Government Pleader, this Writ Petition is disposed of. However, if there is any grievance, it is open to the petitioner to approach the third respondent for taking necessary action in the manner known to law, if he is so advised.
No costs.

[D.K.K.,J.] [R.V.,J.]
24.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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