



W.P.(MD)No.7061 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.08.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.7061 of 2023

Rengasamy

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Karur District,
Karur.
- 2.The Tahsildar,
Manmangalam Taluk Office,
Manmangalam,
Karur District.
- 3.The Block Development Officer,
Karur Block,
Karur District.
- 4.The Head Surveyor,
Manmangalam Taluk Office,
Manmangalam,
Karur District.



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5.The President,
Vangal Kuppuchi Palayam Panchayat,
Manmangalam Taluk,
Karur District.

6.Saravanan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment and obstacles made by the sixth respondent in the land in Survey Nos.281, situating in Kuppuchipalayam Village, Manmangalam Taluk, Karur District and consequently, to direct the respondents 1 to 5 to restore and maintain the water channel, running through the land in survey Nos.281, 282 and 288, in Kuppuchi Palayam Village, Manmangalam Taluk, Karur District by considering the petitioner's representation dated 26.11.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.Vidhya Sagar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.5

No Appearance for R.6

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 5. Though sixth respondent has been served, he has not chosen to enter appearance.



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WEB COPY 2. The case of the writ petitioner is that through the petition mentioned survey numbers, namely, 281, 282 and 288 in Kuppuchipalayam Village in Manmangalam Taluk, Karur District a water channel has been flowing. The petitioner is an agriculturist and he is a beneficiary. His grievance is that this water channel has been obstructed. He particularly names the sixth respondent. The photographs produced before us bear out the allegations made by the writ petitioner. The petitioner wants the encroachments and obstructions made in the water channel to be removed and he seeks restoration of the original position. We ordered notice.

3. Today, when the matter was taken up for hearing, the learned Special Government Pleader assured the Court that the encroachments have been substantially cleared and the remaining encroachments also will be completely removed by adhering to due process of law within a period of three weeks from the date of receipt of a copy of this order. It is further undertaken by the official respondents that the character of the water channel will be maintained as such for all times to come and if any encroachments are committed in future they will be removed then and there.



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4. Recording the said undertaking, we issue continuing Mandamus to preserve the character of the water channel as such. This writ petition is allowed accordingly. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
01.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1. The District Collector,
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Karur District,
Karur.
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3. The Block Development Officer,
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and

B.PUGALENDHI, J.

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