



**W.P(MD)Nos.13710 & 21988 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 14.09.2023**

**CORAM**

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

**W.P(MD)Nos.13710 & 21988 of 2023  
and  
W.M.P(MD)Nos.11529, 18325 & 18327 of 2023**

**W.P(MD)No.13710 of 2023:**

Muthuramalingam

... Petitioner

Vs.

1.The District Collector,  
Sivagangai District.

2.Karutha Pillai

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in Na.Ka.C2/767/2022 dated 17.04.2023 and quash the same and consequently directing the first respondent to restore the water body in the name of Alagan Oorani in revenue records and field within time stipulated by this Court.



**W.P(MD)Nos.13710 & 21988 of 2023**

For Petitioner : Mr.RM.Arun Swaminathan  
For Respondents : Mr.K.Balasubramani  
Special Government Pleader for R.1  
Mr.G.Prabhu Rajadurai for R.2

**W.P(MD)No.21988 of 2023:**

K.Karuthapillai ... Petitioner

Vs.

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.Muthuramalingam ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order in Na.Ka.No.C2/767/2022 dated 17.04.2023 on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai  
For Respondents : Mr.K.Balasubramani  
Special Government Pleader for R.1  
Mr.RM.Arun Swaminathan for R.2



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**COMMON ORDER**

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Heard the learned counsel on either side.

2. The case of the petitioner in W.P(MD)No.13710 of 2023 is that the petition mentioned Alagan Oorani must be restored. By the impugned order, the District Collector, Sivagangai has directed the petitioner in W.P(MD)No. 21988 of 2023 to form a water body in Survey No.137/1, 137/12 and 137/13 in Vaaniyangudi revenue village. Both the writ petitioners are aggrieved by the impugned order.

3. We called upon the first respondent to make a statement as to whether the Alagan Oorani was ever mentioned in the revenue records. The first respondent categorically stated that only in FMB, there is a description but in SLR, the land in question was not classified as “water body”. The fact remains as early as in the year 1970, assignments had been made in respect of the petition mentioned lands. Survey No.137/1 was assigned in favour of Kottupuli, S/o.Kalimuthu, Survey No.137/12 was assigned in favour of Kottupuli and Survey No.137/13 was assigned in favour of Subbu Ambalam. Since these assignments had been made more than half a century back, the writ



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Court will not be justified in attempting to put the clock back. The proceedings dated 17.04.2023, passed by the District Collector, Sivagangai which is impugned in both the writ petitions is set aside. The question of directing restoration of Alagan Oorani does not arise at all.

4. W.P(MD)No.21988 of 2023 is allowed and W.P(MD)No.13710 of 2023 is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**[G.R.S., J.] [B.P., J.]**  
**14.09.2023**

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

To

The District Collector,  
Sivagangai District,  
Sivagangai.



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**W.P(MD)Nos.13710 & 21988 of 2023**

**G.R.SWAMINATHAN, J**

**and**

**B.PUGALENDHI, J.**

MGA

W.P(MD)Nos.13710 & 21988 of 2023

and

W.M.P(MD)Nos.11529, 18325 & 18327 of 2023

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