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W.P.(MD)NO.15150 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15150 of 2023 AND
W.M.P.(MD)Nos.12756 & 12758 of 2023

E.Ramaiyah

... Petitioner

Vs.

1. The District Collector,
O/o.The Collectorate,
Sivagangai.
2. The Chief Engineer,
Public Works Department,
Sivagangai.
3. The Executive Engineer,
PWD Water Resources Department,
Sarugani Aaru Vadinil Kottam,
Sivagangai.
4. The Tahsildar,
Taluk Office,
Manamadurai, Sivagangai District.

5. Susmitha Priya

... Respondents

Prayer: Writ petition is filed under Article 226 of the



Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the 3rd respondent vide his Proceedings in Ka. No.239m/VaPa/VaAa2/Ko.75(Palam)/2023/ dated 25.04.2023 and quash the same as illegal.

For Petitioner : Mr.V.Selvakumar

For R-1 to R-4 : Mr.M.Sidharthan,
Additional Government Pleader.

For R-5 : Mr.H.Velavadas

* * *

ORDER

Heard the learned counsel on either side.

2. By the impugned order, the fifth respondent had been granted permission to put up an overbridge over the petition-mentioned canal. The petitioner challenges the same on several grounds. One pertinent ground raised by the petitioner is that the petitioner has been put on notice after passing the impugned order. While we may not appreciate the approach adopted by the official respondents, we cannot



exonerate the petitioner. The petitioner had earlier filed W.P. (MD)No.12151 of 2022. The fifth respondent herein figured as the fifth respondent therein. The writ petition was disposed of and the matter was remitted to the file of the competent authority. While doing so, this Court had directed the petitioner to be present before the third respondent on 27.02.2023 at 3.00 p.m. The petitioner ought to have availed the opportunity. If the petitioner failed to do so, he has to blame himself. Since the petitioner claims to represent the interest of the villagers, we direct that the authorities will ensure the original width and dimension of the canal. In any way, on account of the impugned activities, free flow of water shall not in any way be impeded or affected.

3. With this clarification, the order impugned in the writ petition stands sustained. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
30th AUGUST 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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