



W.P(MD)No.16638 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.11.2023

CORAM

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

W.P(MD)No.16638 of 2023

Sundari

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani.

3.The Tahsildar,
Office of the Tahsildar,
Palani.

4.Kannusamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to remove the encroachment of Thenvadal water course made by the 4th respondent as well as to restore the “thenvadal”



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water course as permanently as possible by considering the representation dated 19.12.2022.

For Petitioner : Mr.B.Vetrivel

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R3.
Mr.S.Pugalandhi for R4.

ORDER

Heard both sides.

2.The petitioner alleges that encroachments have been committed on the petition mentioned water course. We directed the jurisdictional Tahsildar to respond. Counter affidavit has been filed. Paragraph Nos.4, 5 and 6 of the counter affidavit read as follows:-

“4. I respectfully submit that the contention of the Petitioner set out in Para 3 that the 4th Respondent need encroached the water channel and converted the land for housing plots is denied and moreover, no any water channel runs in the subject property of SF.No.71/2A. Further, on 27.7.23 Deputy Tahsildar, surveyor, Revenue Inspector and Village Administrative Officer have



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inspected the subject property, in which the the 4th respondent has putting a fence in S.F.No.71/2B by excluding the detail (vaikkal).

5. I respectfully submit that a detail channel is in existence in SF.No.71/2B. The details channel runs from S.No.76 and entered in SF.No.71/2B and runs through SF.No.73 of Balasamudram village. The said detail channel is not in any way runs in the subject property of SF.No.75/2 & 1A.

6. I respectfully submit that there are no any kind of water channels, or water Course Poramboke lands situated adjacent to the subject properties as well as near and far of the subject properties. The entire contention of the Petitioner is false.”

3.Recording the said submission, this writ petition is disposed of.

No costs.

**(G.R.S.J.) & (B.P.J.)
30.11.2023**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

To:-

- 1.The District Collector,
Office of the District Collector,
Dindigul.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani.
- 3.The Tahsildar,
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