



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)NO.20270 OF 2022

S.Ahamed Baseer

:Petitioner

.VS.

1.The District Collector,
Collectorate Office,
Ramanathapuram District.

2.The Assistant Executive Engineer,
Public Works Department,
Kelvaigai Vadinila Kottam,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi,
Ramanathapuram District.

4.Asan Ibrahim

5.Rajkapoor

6.Chellappa@ Mohamed Hanifa

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the encroachment made by the fourth respondent in the water channel connecting towards the



Melaparthibanur Kanmoi-Seevankulam Kanmoi situated at Melaparthibanur Village, Paramakudi Taluk, Ramanathapuram District based on the representation , dated 13.05.2022.

For Petitioner	:Mr.S.Rajamanickam
For Respondents 1 to 3	:Mr.T.Villavan Kothai Addl.Govt.Pleader
For Respondents 4 to 6	:Mr.S.Mohamed Suhail for M/s.Ajmal Associates

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents to remove the encroachment made by the fourth respondent in the water channel connecting towards the Melaparthibanur Kanmoi-Seevankulam Kanmoi situated at Melaparthibanur Village, Paramakudi Taluk, Ramanathapuram District based on the representation, dated 13.05.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that there is a channel in existence to connect the above said two Kanmois. It is the further



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case of the Petitioner that respondents 4 to 6 have obstructed the channel which connects the two water bodies, by putting up a compound wall. Either in the representation or in the affidavit, the Petitioner has not mentioned the survey number, in which, the said channel is running through.

4.The learned counsel for the petitioner himself had relied upon the proceedings of the Tahsildar, dated 14.03.2019. Even as per the proceedings of the Tahsildar, though the existence of the channel is admitted, it is stated that as per the direction of the Sub-Collector, the channel was restored by putting up some construction under the compound wall of the individual. The Tahsildar has also reported before this Court in tune with what he stated in the communication, dated 14.03.2019.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that even the channel which was in existence earlier is not in use and that there is no obstruction to the channel by the private individuals.

6.The learned counsel appearing for the respondents 4 to 6



states that the present Writ Petition is vexatious and due to personal enmity, the Petitioner has come forward with this Writ Petition.

7.This Court, having regard to the facts stated in the report as well as in the communication which was relied upon by the learned counsel for the Petitioner himself, is unable to find any merit in the Writ Petition. Since it is reported that there is no obstruction in the water channel and the existence of the channel is also admitted, with a direction to the official respondents to ensure the channel for free flow of water, as indicated in the communication and the report of the Tahsildar concerned, this Writ Petition stands dismissed. No costs.

[S.S.S.R.,J.] [D.B.C,J.]
31.08.2023

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

vsn

To

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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)No.20270 of 2022

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