



W.P(MD).No. 17188 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.17188 of 2014

M.Sundaram Pillai (died)

M.S.Balasubramaniyan

..... Petitioner

(Petitioner is substituted vide order of this Court dated 05.01.2023 in W.M.P(MD) No.18112 of 2016 in W.P(MD) No.17188 of 2014)

- Vs-

1. The District Revenue Officer,
Madurai.
2. The Tahsildar,
Melur Taluk,
Madurai District.
3. The Commissioner,
Kottampatti Panchayat Union,
Melur Taluk, Madurai District.
4. The Executive Engineer,
Public Works Department,
Water Resource Organization,
Periyar Basin Division,
Melur, Madurai District.



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5. A.Alagu
S/o. Arumugam Ambalam

6. A.Chellakannu
S/o. Arumugam Ambalam

7. A.Machakkalai
S/o. Arumugam Ambalam

8. A.Rajangam
S/o. Arumugam Ambalam

9. A.Ramar,
S/o. Arumugam Ambalam

10. A.Sevugan
S/o. Arumugam Ambalam

... 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 1 to 3 to lay the Channel obliterated by the respondents 5 to 10 in Survey No.63/5 and ensure adequate water for irrigation of the petitioner's property in Survey No.63/4 in Manapacheri Village, Melur Taluk, Madurai District from the Senthanaikanni.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.M.Prakash
Additional Government Pleader
for R1, R2 and R4
: Mr.R.R.Kannan
For R5 to R10



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: No appearance – for R3

ORDER

This writ petition has been filed seeking for a Writ of Mandamus, directing the respondents 1 to 3 to lay the Channel obliterated by the respondents 5 to 10 in Survey No.63/5 for ensuring adequate water supply for irrigation of the petitioner's property in Survey No.63/4 in Manapacheri Village, Melur Taluk, Madurai District from the Senthanaikanni.

2. It is seen from the records that originally the petitioner's request was rejected and therefore, the petitioner has filed a Writ Petition challenging the impugned order dated 31.12.2009, this Court by an order, dated 09.02.2010 had set aside the same for violation of principles of natural of justice and the respondents 1 and 2 were hereby directed to consider the issue once again and pass orders after giving a fair opportunity to all the parties including the petitioner of being heard. Thereafter, the first respondent by an order, dated 22.08.2013 had directed the parties to approach either the Public Works Departments or the Panchayat.



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3. Pursuant to such direction, the petitioner had also made a representation to the third respondent on 14.07.2014. The fourth respondent by his communication dated 23.09.2014 had intimated the petitioner that the said Kanmai does not belong to Public Works Department.

4. In spite of notice ordered in the writ petition, the third respondent had not entered appearance either in person or through his counsel.

5. In the light of the same, the petitioner is directed to give a fresh representation to the concerned District Collector, who is also Inspector of Panchayat within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the District Collector shall issue notice to the petitioner as well as the respondents 5 to 10 in this writ petition, and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter.



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6. With the above said directions, this Writ Petition is disposed of.

There shall be no order as to costs.

28.02.2023

NCC: Yes / No

Index : Yes / No

Internet : Yes / No

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To

1. The District Revenue Officer,
Madurai.

2. The Tahsildar,
Melur Taluk,
Madurai District.

3. The Commissioner,
Kottampatti Panchayat Union,
Melur Taluk,
Madurai District.

4. The Executive Engineer,
Public Works Department,
Water Resource Organization,
Periyar Basin Division,
Melur, Madurai District.

5. The District Collector,

5/6



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Madurai.



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K.KUMARESH BABU, J.

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Order made in
W.P(MD)No. 17188 of 2014

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