



W.P.(MD)No.18284 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18284 of 2015
and M.P.(MD)No.1 of 2015

M.Yesudhas

... Petitioner

versus

1. The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari District.
2. The Executive Engineer,
Public Works Department,
Kothaiyaru Vadi Nila Kottam,
Nagercoil.
3. Rajappa

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st and 2nd respondents to take appropriate action for having free flow of water through the conduit pipes from the northern side to the southern side in the road in R.S.No.760/6 proceeding to Keel Kattu Villai at North Anju



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Kudiyiruppu Village at Kanyakumari District within the stipulated time fixed by this Court.

For Petitioner : Mr.R.T.Arivukumar
For R1 and R2 : Mr.P.T.Thiraviam,
Government Advocate
For R3 : Mr.S.Palani Velayutham

ORDER

The petitioner claims that on the northern side of his house, there is a thar road proceeding from Kottamangudi Salai to Keelkattu Villai. According to him, there is a water channel. The overflowing water from all the houses are collected in a channel and they flow to the other side of thar road through well laid cement conduit pipes to the southern side of the road. With a grievance that the 3rd respondent has blocked the flow of public channel by laying stones, the petitioner has filed this writ petition for a mandamus directing the respondents 1 and 2 to take appropriate action for having free flow of water through the conduit pipes from the northern side to the southern side in the road in R.S.No. 760/6 proceeding to Keel Kattu Villai at North Anju Kudiyiruppu Village at Kanyakumari District.



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WEB COPY 2. The Executive Engineer, Public Works Department, Kodayar

Basin Division has filed a counter affidavit, wherein, it is stated as follows::

“Thar Road proceeding from Kotta Manfudi Salai to Keelkattu Vilai on the northern side is false. As per the revenue records in source that the area mentioned by the petitioner in Survey No.769/6 at Madusoodanapuram Village (now it is called Melakrishnanputhoor) of Agastheeswaran Taluk. The A Register in survey No. 769/6 mentioned as Nilaviyal Pathi and owned by one Mrs.Packia Leshmi Nadachi and others. As per the records source that there is no irrigation channel in the northern and southern side of the Thar Road, i.e. Kotta Manfudi Salai to Keelkattu Vilai.”

3. Today, when the writ petition is taken up for hearing, the learned counsel appearing for the petitioner seeks for a short accommodation.



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4. This writ petition, which was filed in the year 2015, was listed for hearing on 17.07.2023, 02.08.2023 and 18.08.2023 and thereafter, it is listed today. Though the counter affidavit has been filed in the month of November 2015, the petitioner has not filed any rejoinder denying the averments made in the counter affidavit, so far.

5. Considering the stand taken by the second respondent in the counter affidavit, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.11.2023

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



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B.PUGALENDHI, J.

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