



W.P.(MD)No.6841 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.6841 of 2015

S.Rajendran

... Petitioner

-VS-

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.
- 3.The Tahsildar,
Pattukkottai,
Thanjavur District.
- 4.The President,
Thokkalikadu Panchayat,
Thokkalikadu Village,
Pattukkottai Taluk,
Thanjavur District.
- 5.K.Marimuthu
- 6.M.Nainamohamed



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7.S.Ahamed Aheem

8.A.Mohamed Ayisa

9.E.N.M.Mohamed Noordeen

10.M.Shek Dhawood

11.M.Jamal Mohamed

12.S.Abdul Jafar

13.A.Sahabudeen

14.S.Shahul Hammed

15.A.Mujeebur Rahman

16.M.Baseer Ahamed

17.S.Sabeer Ahamed

18.A.Jahubar Ali Maraikayar

19.S.Ansari Maraikayar

20.A.Anvardeen Maraikayar

21.S.Harunisha

22.A.Abdul Rahman

23.N.M.S.Jamal Mohamed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 22 herein in Pethankulam in



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Survey No.141 to an extent of 7 acres 78 cents, Pudukkulam in Survey No.142 to an extent of 3 acre 38 cents and in Ichikulam in Survey No.153/1 to an extent of 6 acres 96 cents of Thokkalikadu Village, Pattukkottai Taluk, Thanjavur District and restore the water bodies to its original position as per irrigation memoir of No.250, dated 21.03.1935 of Thokkalikadu Village, Pattukkottai Taluk, Thajnavur District, based on the representation of the villagers of the petitioner village dated 16.04.2014.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3
Mr.D.R.Murugesan for R6, R11, R12, R13 to R20
No appearance for R4 & R5

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

S.Rajendran, son of Sadaian, has filed this writ petition for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 22 in Pethankulam in Survey No.141, to an extent of 7 Acres 78 Cents, in Pudukkulam in Survey No.142, to an extent of 3 Acres 38 Cents and in Ichikulam in Survey No.153/1, to an extent of 6 Acres 96 Cents, in Thokkalikadu Village, Pattukkottai Taluk,



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Thanjavur District, restore the water bodies to its original position as per irrigation memoir No.250, dated 21.03.1935, based on the representation dated 16.04.2014, given by the villagers.

2. Today, when the matter was taken up for hearing, learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that necessary action is being taken to remove the encroachments in the above Kanmois as projected by the petitioner and if sufficient time is granted, the Kanmois will be resurveyed and the encroachments will be removed.

3. In view of the above submission of the learned Government Pleader, the official respondents are directed to resurvey the Kanmois and during resurvey, if any encroachment is found, the same shall be removed, after giving due notice and sufficient opportunity to the encroachers, in the manner known to law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. It is needless to mention that if there is any residential house constructed in the Kanmois obstructing the free flow of water, the same shall



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also be removed, since Kanmoi is only for the purpose of storing water and not for constructing residential houses.

5. With the above direction, the writ petition is disposed of. No costs.

[T.R., A.C.J.] [D.K.K., J.]

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

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D.KRISHNAKUMAR, J.

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