



W.P(MD)No.21323 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.10.2023

CORAM

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

W.P(MD)No.21323 of 2023
and
W.M.P.(MD)No.21021 of 2023

Pandimeenal

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

3.The Project Director,
NABARD and Rural Roads,
Paramakudi Division,
Virudhunagar District.

... Respondents

*(R3 is deleted and suo mot substituted vide
order dated 04.09.2023 in W.P.(MD)No.21323
of 2023 by GRSJ & BPJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



W.P(MD)No.21323 of 2023

respondents No.1 and 2 to remove the encroachments in the water channel comprised in Survey No.84 (Kanmai Shore), Survey No.85 (Kanmai) situated at Keela Kallangulam Village, Kariyapatti Taluk, Virudhunagar District, by taking necessary action against the 3rd respondent from laying road or obliterate the water channel, based on the petitioner's representation dated 17.03.2023.

For Petitioner : Mr.A.Karthigaivel

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.Su.Srinivasan for R3.

ORDER

Heard both sides.

2.In response to the other allegations set out in the affidavit filed in support of the writ petition, the third respondent has filed counter affidavit. Paragraph No.4 of the same is as follows:-

“I submit that the link road from Nasarpuliyankulam to Avarankulam is a Panchayat Union Road, handed over



W.P(MD)No.21323 of 2023

Highways department and now it has been upgraded to other District Roads. The work has been completed fully. The road runs for the length of 180m on Tank bund portion and in this location the retaining wall is constructed for the length of 150m at outside of tank and gravel filled between tank bund and retaining wall portion to strengthen the road as well as tank bund also. Here the road runs in a existing path of the tank bund, there is no encroachment in the water body and moreover, the capacity of the tank is not reduced and maintained as such. Moreover, 1 no. Five Row Pice culvert and 3 no. Single Row Pipe culvert in constructed in the road to drain rain water into the tank.”

3.We are satisfied that this would address the concern of the petitioner.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S.J.) & (B.P.J.)
12.10.2023**

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



WEB COPY



W.P(MD)No.21323 of 2023

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

ias

To:-

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.
- 3.The Project Director,
NABARD and Rural Roads,
Paramakudi Division,
Virudhunagar District.

W.P(MD)No.21323 of 2023

12.10.2023