



W.P(MD)No.22517 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.09.2023

CORAM

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

**W.P(MD)No.22517 of 2023
and
W.M.P(MD)No.18753 of 2023**

Paraman

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintending Engineer,
Public Works Department (WRO),
Periyar Vaigai Basin Division,
Madurai, Madurai District.
- 3.The Executive Engineer,
Public Works Department (WRO),
Periyar Vaigai Basin Division,
Madurai, Madurai District.
- 4.The Assistant Executive Engineer,
Public Works Department (WRO),
Periyar Vaigai Basin Division,
I-Section Division, Kuppampatti,
Madurai District.



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5.The Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from digging any water channel on the petitioner's lands in S.No.74/1A, 74/3B, 74/5A, 75/1A, 75/1A of Pullaneri Village Group, Usilampatti Taluk, Madurai District without following the procedure under Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner wants this Court to forbear the respondents from forming any water channel through the petitioner's patta lands.

3. The learned Special Government Pleader on instructions states that the authorities are not intending to form any new channel. They only want to restore the old channel. Our attention is drawn to the plan marked details in the FMB.



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4. The learned counsel appearing for the petitioner on the other hand would state that on the petition mentioned lands no such channel was ever in existence.

5. This writ petition is disposed of with the following directions:

a) The respondents shall issue notice to the petitioner setting out their proposal;

b) Opportunity shall be given to the petitioner to demonstrate that the channel cannot be formed across the petitioner's lands;

c) The competent authority will pass final order on merits by taking into account the FMB and other relevant records. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. We make it clear that we have not gone into the merits of the matter. If as per records a channel had originally existed, the same shall be restored. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
20.09.2023

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



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