



W.P(MD)No.23782 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM

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

W.P(MD)No.23782 of 2023

and

W.M.P.(MD)Nos.19956, 19960, 19959 and 20558 of 2023

1.R.Kalidasan

2.A.Rajendran

3.T.Rani

4.T.Ponnusamy

... Petitioners

Vs.

1.The District Collector,
District Collector Office,
Madurai - 625 020.

2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

3.The Executive Engineer,
PWD - Water Resource Organisation (WRO),
Periyar Vaigai Irrigation Division,



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Tallakulam, Madurai - 625 002.

- 4.The Block Development Officer,
(Village Panchayats),
Vadipatti Panchayat Union,
Vadipatti, Madurai District.
- 5.The Panchayat President,
Rishabam Village Panchayat,
Rishabam Village, Vadipatti Taluk,
Madurai District.
- 6.The Firka Surveyor,
Neerathan Firka Surveyor/
Kattakulam Village,
Vadipatti Taluk Office,
Vadipatti, Madurai District.
- 7.The Village Administrative Officer,
Kattakulam Village, Vadipatti Taluk,
Madurai District.

8.R.Rajini Prabhu ... Respondents
(R8 is impleaded vide order dated 12.10.2023 in
W.M.P.(MD)No.20556 of 2023 in
W.P.(MD)No.23782 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 1st and 2nd respondents to forbear the 3rd to 7th respondents or their employees or men or agents, from in any way laying any pathway or road on the PWD Irrigation Water Canal - Odai Poramboke in Survey No.326,



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327 (Sengamadaai Water Canal) in Rishabam Village and on any place of the Patta Lands of the Petitioners and direct the 3rd to 7th respondents to preserve and protect the PWD Irrigation Water Canal - Odai Poramboke in Survey No.326, 327 (Sengamadaai Water Canal) in Rishabam Village, Vadipatti Taluk, Madurai District and retain and ensure the water supply from the said canal to the lands of the petitioners in Rishabam Village without any hindrance.

For Petitioners : Mr.A.Thirumoorthy

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R7.
Mr.K.Mahendran for R8.

ORDER

Heard both sides.

2.Even at the very out set, we had indicated that the scope of the this writ petition will be confined only to the petition mentioned water canal alone. The learned Special Government Pleader on instructions



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from Ms.V.Subhashni, Assistant Engineer, WRD, Periyar Vaigai Basin Section, Andipatti, Vadipatti Taluk, Madurai, states that though they propose to lay a road, it will not in any way lead to obliteration of the water canal. In other words, the water canal will be kept intact. We record this submission and undertaking. All the other issues are left open.

3.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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

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

To:-

- 1.The District Collector,
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- 2.The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

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3. The Executive Engineer,
PWD - Water Resource Organisation (WRO),
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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**12.10.2023
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