



W.P(MD)No.25340 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.10.2023

CORAM

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

W.P(MD)No.25340 of 2019

M.Shanmuganathan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai Revenue Division,
Devakottai,
Sivagangai District.
- 4.The Commissioner,
Devakottai Municipality,
Devakottai.
- 5.The Tahsildar,
Office of the Taluk Office,
Devakottai,
Sivagangai District.



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6.V.K.Lukas

7.Pandian

8.Veluchamy

9.Mohammed Asar

10.Jahir

11.Karuppaiah

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to take necessary action against the encroachments made in Survey No.1/2/7 Melakanmoi Water Canal, Udayachi Group, Palaniappan Street, Devakottai, Sivagangai District by the respondents 6 to 11 herein on the basis of the petitioner's representation dated 01.11.2019.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3 & R.5

Mr.R.Sundar Srinivasan for R.6

No Appearance for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 & 5



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and the learned counsel appearing for the sixth respondent. The fourth respondent Municipality has been served and they have entered appearance through counsel but there is no representation on their behalf before this Court today.

2. The petitioner alleges that encroachments had been committed in respect of the petition mentioned canal. On the last occasion, we called upon the jurisdictional Tahsildar to conduct survey and report. The survey was conducted on 26.10.2023. The results of the survey have also been communicated to Devakottai Municipality. Photographs have been enclosed along with the survey report. It is seen that cement planks have been constructed on the water channel. The said water channel is said to be an inlet for a Oorani.

3. The learned counsel appearing for the petitioner states that on account of these constructions, free flow of water to the Oorani has been prevented. We therefore direct the Commissioner, Devakottai Municipality to ensure that there is free flow of water through the petition mentioned channel.



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4. This writ petition is disposed of accordingly. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
31.10.2023

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

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and

B.PUGALENDHI, J.

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