



W.P(MD)No.24845 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24845 of 2023

and

W.M.P.(MD)Nos.21040, 21042 and 21043 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,
P.W.D. - Water Resource Organisation (WRO),
Periyar Vaigai Irrigation Division,
Tallakulam, Madurai - 625 002.

4.The Block Development Officer (Village Panchayats),
Vadipatti Panchayat Union,
Vadipatti, Madurai District.

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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.

... Respondents

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, 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.



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For Petitioners : Mr.A.Thirumoorthy

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R3, R6 & R7.
Mr.N.GA.Natraj,
Government Advocate for R4 & R5.

ORDER

Heard both sides. With the consent of the learned counsel on either side, this writ petition is disposed of at the admission stage itself.

2.The petitioners allege that the authorities are intending to lay a road on their patta lands.

3.The learned Special Government Pleader denies the said allegation. Whether the road will come up on the said patta lands or only on the poramboke lands can be found out only in a pucca survey. It is claimed by the respondents that this survey was already done. I wanted to know if prior notice was given to the petitioners and it was done in



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their presence. No proof is forthcoming. I have to necessarily conclude that the petitioners were not put on notice before the so-called survey was conducted.

4.In these circumstances, the respondents cannot take up the road laying work and it has to be necessarily abide by the outcome of the survey exercise. The second respondent is directed to issue notice to the petitioners indicating the date and time of conducting survey. The learned counsel for the petitioners asserts that the petitioners have submitted application for conducting survey and that they will not avoid receiving survey notice. In order to avoid further controversy, I direct the second respondent to conduct survey on 20.10.2023 from 09.00 am. The petitioners shall approach the office of the second respondent on 26.10.2023 for collecting the survey sketch and survey report. If it is adverse to the petitioners, the petitioners are entitled to move this Court for relief. The road laying work will be put on hold for a period of four days thereafter. The parties will abide by the outcome of the survey exercise, which of course is subject to judicial review.



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5.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 13.10.2023

To:-

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Madurai - 625 020.
- 2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.
- 3.The Executive Engineer,
P.W.D. - Water Resource Organisation (WRO),
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G.R.SWAMINATHAN, J.

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