



W.P(MD)No.25108 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25108 of 2023

and

W.M.P(MD)Nos.21291 & 21292 of 2023

Irulandi

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The Executive Officer,
Public Works Department
(Water Resources Organisation),
Kundaru Water Basin Division,
Madurai District.
- 3.The Assistant Engineer,
Public Works Department
(Water Resources Organisation),
Kundaru Water Basin Division,
Kamuthi, Ramanathapuram District.
- 4.The Tahsildar,
Office of the Kamuthi Taluk Office,
Ramanathapuram District.

... Respondents



W.P(MD)No.25108 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the second respondent vide his proceedings in 337M/E.Va.Aa2/Ko.25/2023 dated 06.10.2023 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.V.Malaiyendran

For Respondent : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. A representative suit was filed in O.S.No.6 of 1996 on the the file of District Munsif Court, Kamuthi and decree dated 31.01.2006 was passed. The decree reads as follows:

DECREE

1. that the plaintiffs are entitled for declaration that Kalliikulam tank is entitled uninterrupted supply of water through the supply channel called Kallikulam channel without any diversion of whole flow.



W.P(MD)No.25108 of 2023

WEB COPY

2.consequently the defendants 1 to 4 are restrained from interfering the supply of water to Kallikulam tank by removing the bund surplus weir construction shutter at 'B' point in the plaint sketch.

3.that the plaintiffs are granted mandatory injunction directing the defendants to restore the bund and surplus weir shutters constructed 2 feet and 9 inches at 'B' point in the plan within three months from the date of Judgement.

The said decree has become final.

3. The grievance of the petitioner is that the weir constructed by the villagers of T.Kallikulam is now sought to be demolished without notice.

4. When the matter was taken up for hearing, the learned Special Government Pleader submitted that the permanent construction that has been made is not contemplated or envisaged by the civil Court's decree.

3/6



W.P(MD)No.25108 of 2023

5. After carefully going through the contents of the decree, I am satisfied that the direction has been given to the authorities for restoration of the earlier position. Villagers of T.Kallikulam have not been given permission to put up any construction. Therefore, the proposed demolition cannot be faulted. But even while demolishing the weir put up by the villagers of T.Kallikulam, it is the duty of the respondents to immediately replace it by a surplus weir shutter as decreed in O.S.No.6 of 1996 on the file of District Munsif Court, Kamuthi.

6. With this liberty and direction to the respondents, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.10.2023

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

To

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

4/6



W.P(MD)No.25108 of 2023

- 2.The Executive Officer,
Public Works Department
(Water Resources Organisation),
Kundaru Water Basin Division,
Madurai District.
- 3.The Assistant Engineer,
Public Works Department
(Water Resources Organisation),
Kundaru Water Basin Division,
Kamuthi, Ramanathapuram District.
- 4.The Tahsildar,
Office of the Kamuthi Taluk Office,
Ramanathapuram District.



WEB COPY



W.P(MD)No.25108 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.25108 of 2023
and
W.M.P(MD)Nos.21291 & 21292 of 2023

13.10.2023