



1

W.P.(MD)NO.19603 OF 2017

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 30.08.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.19603 of 2017 AND**  
**W.M.P.(MD)No.15882 of 2017**

1. Rajendran

2. Sathaiah

... Petitioners

**Vs.**

1. The District Collector,  
Sivagangai District,  
Sivagangai.

2. The Tahsildar,  
Taluk Office,  
Ilayangudi,  
Sivagangai District.

3. Govintharaj  
(R-3 is *suo motu* substituted  
vide order dated 16.08.2023)

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.A3/1506/2017 (Ni.A) dated 13.07.2017 passed



by the 1<sup>st</sup> respondent and quash the same as illegal and consequently direct the 2<sup>nd</sup> respondent to remove the entry in FMB as Vaikkal and Vaikkal end.

For Petitioner : Mr.V.Malaiyendran  
For R-1 & R-2 : Mr.M.Siddharthan,  
Additional Government Pleader.  
For R-3 : Mr.S.Sukumar

\* \* \*

### **ORDER**

Heard the learned counsel on either side.

2. The writ petitioners own agricultural lands in Karaikulam Village. From the revenue record, we are able to notice that two channels run through the petitioners' patta land. One channel runs through the middle of the petitioners' land whereas the other one passes on the northern side. The land of the third respondent lies on the eastern side. The first respondent had issued the impugned communication calling upon the petitioner not to block the water on the northern channel. A further direction had been issued for removing the encroachments said to have been committed thereon.

3. The learned counsel appearing for the third



respondent submits that his title indicates that he is entitled to draw water from the said northern channel.

4. After carefully considering the rival contentions and perusing the revenue records, we hold that the petitioners have to necessarily maintain both the channels intact. In other words, the petitioners cannot raise any obstruction on either of them. In the revenue record, it has been mentioned that the northern channel ends at the north eastern corner of the petitioner's land. We are therefore not in a position to give any declaration as regards the right of the third respondent to draw water from the northern channel in view of the endorsement found in the FMB. However, the third respondent is entitled to file a civil suit to establish his rights. We decline to interfere. The order impugned in the writ petition is sustained. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)**  
**30<sup>th</sup> AUGUST 2023**

NCS : Yes / No  
Index : Yes / No  
Internet : Yes / No  
PMU



WEB COPY

**To:**

1. The District Collector,  
Sivagangai District,  
Sivagangai.
2. The Tahsildar,  
Taluk Office,  
Ilayangudi,  
Sivagangai District.





WEB COPY



5

W.P.(MD)NO.19603 OF 2017

**G.R.SWAMINATHAN, J.**

**AND**

**B.PUGALENDHI, J.**

PMU

**W.P.(MD)No.19603 of 2017**

**30.08.2023**