



WEB COPY



W.P. No. 6934 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 6934 of 2020
&
W.M.P.No. 8276 of 2020

A. Palanivelu

..Petitioner

Vs.

1. The District Collector,
Namakkal District,
Collectorate,
Tiruchengode Road,
Namakkal.
2. The Revenue Divisional Officer,
R.D.O. Office, Velur Road,
Tiruchengode.
3. The Tahsildar,
Taluk Office, Velur Road,
Tiruchengode.
4. The Block Development Officer,



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Union Office,
Rasipuram Main Road,
Elachipalayam,
Tiruchengode Taluk,
Namakkal District.

5. The President,
Mandagapalayam Panchayat,
Mandagapalayam, Taluk,
Namakkal District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus restraining the respondents from laying Thar Road by encroaching upon the Neer Odai Itteri running in S.No. 16/2 situated at Kumaramangalam Village, Tiruchengode Taluk, Namakkal District thereby obstructing free flow of water in the said Itteri.

For Petitioner :: Mr.T.L. Thirumalaisamy

For Respondents :: Mr.J. Ravindran,
Addl. Advocate General
assisted by
Mr.A. Selvendran,
Special Govt. Pleader for
R1 to R4
Mr.S. Arthanareeswaran
for R5

O R D E R



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(Made by **S. Vaidyanathan,J.**)

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The writ petition is filed for issue of a Writ of Mandamus restraining the respondents from laying Thar Road by encroaching upon the Neer Odai Itteri running in S.No. 16/2 situated at Kumaramangalam Village, Tiruchengode Taluk, Namakkal District thereby obstructing free flow of water in the said Itteri.

2. The grievance of the petitioner is that respondents 2 to 4 are attempting to lay a thar road by encroaching upon the Neer Odai Itteri running in S.No. 16/2 situated at Kumaramangalam Village, Tiruchengode Taluk, Namakkal District, which would result in obstruction of free flow of water through the *Odai* thereby affecting the cultivation of petitioner's lands as well as other adjacent agricultural lands.

3. When the matter is taken up for hearing, it is submitted on behalf of the petitioner that the petitioner has no objection in the Government laying Thar Road. However, while laying the road, the authorities may ensure that Neer Odai Itteri running in S.No. 16/2 situated at Kumaramangalam Village, Tiruchengode Taluk, Namakkal District is not affected in any manner and that there is free flow of water in the said Itteri.



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4. Mr.J. Ravindran, learned Additional Advocate General assisted by Mr.A. Selvendran, learned Special Government Pleader would submit that the Government will ensure that there is free flow of water through the said *Odai* in the event of laying of Thar road.

5. The submission of the learned Additional Advocate General is hereby recorded. The principle laid down by a Full Bench of this Court in W.P. No. 1294 of 2009 (*T.K. Shanmugam V. The State of Tamil Nadu and others*) by judgment dated 30.10.2015 reported in *Manu/TN/3451/2015* shall be followed by the authorities in letter and spirit.

6. The writ petition stands closed with the above direction. No costs. Connected W.M.P. is closed.

(S.V.N.J.))K.R.S.J)
04.01.2024

nv

To

1. The District Collector,
Namakkal District,
Collectorate,
Tiruchengode Road,
Namakkal.
2. The Revenue Divisional Officer,
R.D.O. Office, Velur Road,

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Tiruchengode.

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3. The Tahsildar,
Taluk Office, Velur Road,
Tiruchengode..
4. The Block Development Officer,
Union Office,
Rasipuram Main Road,
Elachipalayam,
Tiruchengode Taluk,
Namakkal District.
5. The President,
Mandagapalayam Panchayat,
Mandagapalayam,
Tiruchengode Taluk,
Namakkal District.

S. VAIDYANATHAN,J.



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