



WEB COPY



W.P.No.12769 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12769 of 2020
and W.M.P.No.15779 of 2020

Anandha Narayanan
Rep by Power of Attorney
Lalithambal

...Petitioner

-Vs-

1. The District Collector,
Salem District,
Salem.
2. The Commissioner,
Salem Municipal Corporation,
Salem 636 001.
3. The Government of Tamil nadu,
Rep. by its Secretary,
Municipal Water Supply and
Sewerage Department,
Fort St. George,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to award compensation to the petitioner.



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For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents

For R1 & R3 : Mr.S.Jayachandran
Government Advocate

For R2 : Mrs.N.Devi
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondent to pay compensation to the petitioner.

2. The petitioner owned land comprised in R.S.No.201/9 situated at ward AL, block 1, new T.S.No.177/2 measuring to an extent of 678½ sq.ft., vide the registered sale deed dated 30.11.2011 vide document No.6195/2011. While being so, on 16.10.2017, there was a heavy rain due to which Ammapettai Angaraputhur lake was filled and overflowed and the flood entered into dwelling places, as such the first respondent had taken emergency steps and had dug about 7 feet wide, 23 feet length and 5 feet deep in the petitioner's land to let out the flood water. In the said process, the respondents demolished existing construction and foundation of building on the southern side of the petitioner's land. Though the petitioner objected, the respondents now



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proposed to construct bridge in the petitioner's land. Therefore, the petitioner sought for compensation.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter filed by the second respondent revealed that due to heavy flood in Ashok Nagar, Arumugam Nagar, during the month of October 2017, emergency steps have been taken to safeguard the resident. On the said context, as per the revenue records, water canals located in those area were identified and a canal was dug as a disaster management step in order to prevent the rain water and to avoid flood in the residential area. The said water canal passes through the petitioner's patta land.

5. Further while digging up the water canal no building or construction were demolished in the said process. In fact, at the point of digging up the water canal, all the revenue officials were present along with municipal corporation officials. Accordingly, the rain water was drained without disturbing any construction or structure put up by the



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petitioner. Therefore, the petitioner cannot be compensated for the digging up the water canal. That apart, it is mixed question of fact and as such if any damage caused to the petitioner's house or the foundation put up by him, he has to approach the civil Court for appropriate relief.

6. In view of the above discussions, the writ petition is devoid of merits and liable to be dismissed. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

12.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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