



WP No.30938 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.30938 of 2022
and WMP No.30378 of 2022

M.Krishnamurthy

.. Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Revenue,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Tiruvannamalai, Tiruvannamalai District.
- 3.The Tahsildar,
Polur Taluk, Tiruvannamalai District.
- 4.The Block Development Officer (BDO),
Polur Taluk, Tiruvannamalai District.
- 5.The Engineer in Chief(Water Resources
Organization) and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.
- 6.The Executive Engineer,
Water Resources Department,
Tiruvannamalai, Tiruvannamalai District.



WP No.30938 of 2022

7. The Asst. Executive Engineer,
Water Resources Department,
Central Pennai River Vadi Niali Utkottam
Arani, Tiruvannamalai District.

8. Palani

9. Jeevarathinam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent herein to take necessary steps: (1) to remove the encroachment of Vellavari Water Channel by respondents 8 and 9 and (2) to restore the original mud road situate to the northern side of the Vellavari Water channel situate at Irumpuli-Kalpattu Panchayat at Irumpuli Village, Polur Taluk, Tiruvannamalai District within a time limit to be specified by this Court.

For Petitioner : No appearance

For Respondents : Mr.P.Harish,
Government Advocate for RR 1 to 7

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

None appears for the petitioner. We have heard Mr.P.Harish, learned Government Advocate for respondents 1 to 7.

2. Encroachment is alleged on the water channel by respondents 8 and 9. Counter-affidavit is filed by the 3rd respondent. Paragraphs 4, 5 and 6 of the counter read thus:



WP No.30938 of 2022

"4. I respectfully submit that the Petitioner has stated that the Mud road running from Northern side of the Petitioner's land has been changed to the Southern side. I further submit that no Government Road is formed in the Channel. I submit in the field, on the southern side of the Channel, the following persons were having Patta land.

S.No.	Name of the Person	Survey No.	Extent (in Ares)
1	Tmt.Pattamal W/o.Murugan	a) S.No.11/1	0.25.5
		b) S.No.9/1	0.08.0
2	Thiru.Ramasamy S/o.Chinnaiya Gounder	S.No.14/1	0.10.0
3	Thiru.Purusothaman S/o.Govindasamy	S.No.8/3	

The Mud Road mentioned by the Petitioner was running through southern side of the above Pattadars' land. A small portion of the Mud road was running through the bind of the Channel. It is submitted that the Petitioner's land was situated on the Northern side of the Channel. The Mud Road was not running through the northern side of the Channel as stated by the Petitioner.

5. I respectfully submit that on the northern side of the Channel the following persons land were situated.

S.No.	Name of the Person	Survey No.	Extent (in Ares)
1	Thiru.Jayasankar S/o.Kuppan	a) S.No.8/1	0.07.5
		b) S.No.12/1	0.14.5
2	Thiru.Sasikumar S/o.Late Balaraman	S.No.31/1A	0.43.5
3	Thiru.Dinakaran S/o.Kannan	a) S.No.31/1B	0.15.0
		b) S.No.31/2B	0.51.0



WP No.30938 of 2022

6. I further submit that there is no encroachment in the Channel by the Public Persons. The land owners on the Southern side of the Channel used the Mud road which is in their own land. Further I submit that the Water flows freely from Irumbili to Kolathur Enri Channel. There is no obstruction in the Channel. The pattadars of the land on the Southern side of the channel used the Mud road in their patta lands. I further submit that the Public Persons used the Mud road and moved from Irumbili Sanarpalayam, Thimbampettai, Kattukanallur, Kolathur, Pudupettai and Kannamangalam Village".

In light of the above, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.) (J.S.N.P., J.)
08.04.2024

Index : Yes/No
Neutral Citation : Yes/No

sra



WP No.30938 of 2022

WEB COPY To

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WP No.30938 of 2022

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