



C.R.P. (MD).No.2749 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.2749 of 2010

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Public Works Department,,
For St.George,
Chennai – 600 009.
2. The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai 600 009.
3. The District Collector,
Thanjavur District,
Cutchery Road, Thanjavur Town.
4. The Executive Engineer, P.W.D,
Grand Anaicut Canal Division,
Thanjavur Town.
5. The Sub Divisional Officer,
P.W.D., No.III Sub Division,
Grand Anaicut Canal,
Pattukottai.



C.R.P. (MD).No.2749 of 2010

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6. The Section Officer, P.W.D.,
G.A.Canal, Edayathi Village,
Pattukottai Taluk.

... Petitioners 1 to 6/Respondents 1 to 6
Defendants 1 to 6

7. The Revenue Divisional Officer,
Pattukottai Town

... 7th Petitioner/8th Respondent/
8th Defendant

8. The Tahsildar,
Pattukottai.

... 8th Petitioner/9th Respondent/
9th Defendant

-vs-

1. A.Balavelayutham

2. B.Saroja

3. V.Ramamoorthy

4. R.Balasubramanian

... Respondents 1 to 4/Plaintiffs

(Respondents 1 to 4 are
representing the Ayacutdars of
Parayanvayal of Valasamudram
Tank in Parayanvayal and
Pannavayal Village, Pattukottai
Taluk)

5. The Special Officer and Commissioner,
Panchayat Union,
Pattukottai,
Pattukottai Town.

... 5th Respondent/7th Respondent/
7th Defendant.

6. Kaliamurthy



C.R.P. (MD).No.2749 of 2010

WEB COPY

7. V.Thiruvengadam

8. R.Rengaraju

9. A.Subbiah Thevar

10. C.Thangavel Thevar

11. R.Muthurasu Thevar

12. A. Rajendran

13. S.Pichai

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C, against the order and decree dated 15.02.2005, passed in E.P.No.32 of 2003 in O.S.No.122 of 1996, on the file of the District Munsif Court, Pattukottai.

For Petitioners : Mr.C.Satheesh
Government Advocate

For Respondents : No appearance

ORDER

The present Civil Revision Petition has been filed by the respondents 1 to 6, 8 and 9 in E.P.No.32 of 2003 in O.S.No.122 of 1996, on the file of the District Munsif Court, Pattukottai.

2. The respondents 1 to 4 herein as plaintiffs have filed the above said



C.R.P. (MD).No.2749 of 2010

suit for various reliefs. The said suit came to be partly decreed on 27.03.2001.

Challenging the disallowed portion, the plaintiffs have filed A.S.No.28 of 2001, on the file of the Fast Track Court No.II, Pattukottai. The first appeal was dismissed on 12.03.2002. Challenging the same, Second Appeal No.223 of 2003 has been filed before this Court. Since the learned counsel had reported that there is no instructions from any one of the appellants, this Court has chosen to dismiss the Second Appeal for default today.

3. Alleging violation of the decree of the trial Court, the plaintiffs have filed E.P.No.32 of 2003. The Executing Court, by an order, dated 15.02.2005, has directed the Revenue and Public Works Department Officials to execute the decree in the following manner:

(a) To close down the unused sluice to avoid leakage of water during rainy season;

(b). To prevent unauthorized taking of the lake water through cement pipes; and

(c). To remove the encroachments within the water body as well as in the inlet channels. Challenging the said directions, the present Civil Revision Petition has been filed.



C.R.P. (MD).No.2749 of 2010

WEB COPY

4. The learned Government Advocate appearing for the petitioners has filed before this Court, a written instructions received by him, from the Assistant Engineer, Water Resources Department, to the effect that all the directions issued by the Execution Court have been complied with.

5. However, on 15.07.2024, the learned counsel appearing for the respondent/decreed holder in the revision petition is not in a position to get any instructions from his clients and he has reported no instructions.

6. In view of the fact that the orders of the Executing Court have been complied with, no further adjudication is called for in the Civil Revision Petition.

7. Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

22.07.2024



C.R.P. (MD).No.2749 of 2010

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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2/2

To
1. The District Munsif Court,
Pattukottai.



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C.R.P. (MD).No.2749 of 2010

R.VIJAYAKUMAR,J.

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C.R.P.(MD)No.2749 of 2010



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C.R.P. (MD).No.2749 of 2010

22.07.2024

2/2