



W.P(MD)No.8254 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.8254 of 2012
and
M.P(MD)No.1 of 2012**

Suba.Ramasamy

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai.
- 2.The Superintending Engineer,
Public Works Department,
Sivagangai.
- 3.The Revenue Divisional Officer,
Ram Nagar,
Devakottai.
- 4.The Tahsildar,
Ram Nagar,
Devakottai.
- 5.The President,
Thanavayal Village Panchayat.



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6.V.Ramasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the obstruction in the channel put up by the sixth respondent in Survey Field No.259/3, Thanavayal Village, Perattukottai, Devakottai Block thereby enabling free flow of water in the channel.

For Petitioner : Ms.N.Gayathri

For Respondents : Mr.R.Ragavendran
Government Advocate
for R.1 to R.4

Mr.V.R.Shanmuganathan for R.6

No Appearance for R.5

ORDER

Heard both sides.

2.The petitioner alleges that the sixth respondent has obstructed the water body comprised in Survey Field No.259/3, Thanavayal Village.

3.We went through the revenue records. We satisfied that Survey Field No.259/3 is not a water body. It was originally classified as “unassessed waste”.



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4.The learned counsel appearing for the sixth respondent points out that the sixth respondent has subsequently filed O.S.Nos.54 and 55 of 2008 on the file of District Munsif Court, Devakottai and obtained decree in his favour on 28.03.2018.

5.In this view of the matter, we are satisfied that the case for issuance of writ has not been made out. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
08.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

4.The Tahsildar,
Ram Nagar,
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