



W.P(MD)No.4394 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2024

CORAM

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

W.P(MD)No.4394 of 2023

Kanagaraj

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Sub Collector,
Padmanabhapuram,
Thucklai,
Kanyakumari District.
- 3.The Tahsildar,
Killiyoor Taluk,
Tholaiyavattam Post,
Kanyakumari District.
- 4.The Block Development Officer,
Killiyoor Block,
Tholaiyavattam Post,
Kanyakumari District.
- 5.The Regional Block Development Officer,
(Thipiramalai, Mullankinavilai Panchayat),



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Killiyoor, Tholaiyavattam,
Kanyakumari District.

6.The Village Administrative Officer,
Paloor Village, Killiyoor,
Tholaiyavattam,
Kanyakumari District.

7.The President,
Thipiramalai Village Panchayat,
Karunkal Post,
Kanyakumari District.

8.Krishna Kumar

9.Raja Kumar

10.Venu Kumar

11.Kokila

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 7 to consider the petitioner's representation dated 18.01.2023 and to take appropriate action against the respondents 8 to 11 and restore the irrigation water drain canal in Survey Nos.307/8, 9, 10, 14 and 15 and to save of Paloor Village, Thipiramalai Panchayat, Killiyoor Taluk, Kanyakumari District.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R6.



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ORDER

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After hearing the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents, we are more than satisfied that the issue involves a private dispute between the petitioner on the one hand and the respondents 8 to 11 on the other. The petitioner would claim that the respondents 8 to 11 are obstructing the normal flow of water / water course. The learned Special Government Pleader on the other hand would state that the construction put up by the respondents is on their own patta lands. If the private respondents are obstructing the usual flow of water, in the absence of revenue record to justify the petitioner's case, we are of the view that the petitioner has to move only the jurisdictional Civil Court for appropriate relief.

2. Granting such liberty, the writ petition is dismissed. No costs.

(G.R.S.J.) & (B.P.J.)
04.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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