



W.P.(MD)No.12641 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

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

W.P(MD)No.12641 of 2022

Alagan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Natham Taluk Office,
Natham,
Dindigul District.
- 4.Kamatchi Chettiar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to take necessary action to ensure free flow of water in the canal generated from Alagar Hills to various lands by removing the blockade/fencing put up by the 4th respondent on the basis of the petitioner's representation dated 08.01.2022 within the time stipulated by this Court.



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For Petitioner :Mr.B.Jameel Arasu
For Respondents :Mr.K.Balasubramani
Special Government Pleader
for R1 to R3
: Mr.V.P.Rajan
for R4

ORDER

Heard both sides.

2. It is not in dispute that the channel flows through the patta land owned by the fourth respondent herein. Order 26 Rule 15 of Revenue Standing Orders read as follows:-

“15. Encroachments on plan-marked details:- A plan-marked channel or pathway running in a patta land is a Government land. Eviction of encroachments in such lands need be invoked only in cases where the encroacher has interfered with the plan marked detail so as to close its entrance to and exit from his lands. In the case of pathways and cart tracks which have been used by the public till recently, the ryot should not be allowed to shift the course of the details to suit his own convenience. However, such diversions of plan marked channel from its original course, with a view to consolidate his holding or to facilitate irrigation of the portions which would be otherwise severed need not be treated as encroachment.”



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3. The petitioner alleges that the fourth respondent had blocked the free flow of water. When the matter was taken up for hearing on the last occasion, we directed the fourth respondent to clear the blockade if any and it was further directed that this shall be overseen by the revenue officials. Today, when the matter was taken up for hearing, it is reported by the respondents that whatever blockade that was originally there has since been removed. We direct the fourth respondent to ensure that there is a free flow of water through the petition mentioned channel.

4. The Writ Petition is disposed of. No costs.

[G.R.S., J.] [B.P., J.]
08.11.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1. The District Collector,
Office of the District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Dindigul District,
Dindigul.



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3.The Tahsildar,
Natham Taluk Office,
Natham,
Dindigul District.

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