



W.P.(MD).No.16964 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.16964 of 2020
and
W.M.P.(MD).No.14186 of 2020

S.Ochathevar

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Usilampatti,
Madurai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Usilampatti Taluk,
Madurai District.
- 4.The Block Development Officer,
Office of the Block Development Office,
Chellampatti Panchayat Union,
Usilampatti Taluk,
Madurai District.



W.P.(MD).No.16964 of 2020

5.V.P.Murugan

... Respondents

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents 1 to 4 from converting the Nilaviyal Odai/water channel as a road or a compound wall and not to reduce the original extent of Nilaviyal odai/water channel comprised in S.No. 111/2 C situated at Sakkarappanaickanoor Village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.R.Suresh Kumar

For R-1 to R-4 : Mr.J.Ashok

Additional Government Pleader

For R-5 : Mr.M.Mohan Gandhi

ORDER

This Writ Petition has been filed for Mandamus, forbearing the respondents 1 to 4 from converting the Nilaviyal Odai/water channel as a road or a compound wall and not to reduce the original extent of Nilaviyal odai/water channel comprised in S.No.111/2 C situated at Sakkarappanaickanoor Village, Usilampatti Taluk, Madurai District.

2. Alleging that the respondents 1 to 4 are attempting to convert the water channel as a road or compound wall and attempting to reduce the original extent of the water channel, the present Writ Petition has been filed.



W.P.(MD).No.16964 of 2020

WEB COPY

3. This Court will not be justified in stepping into the shoes of the respondents for considering such a prayer of the petitioner. However, this Court is of the view that if the petitioner is granted liberty to make a fresh representation before the concerned respondent, with a consequential direction to the concerned respondent to consider the same, the ends of justice could be secured.

4. Accordingly, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent herein, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondent to consider the same, on its own merits.



W.P.(MD).No.16964 of 2020

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
17.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Usilampatti,
Madurai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Usilampatti Taluk,
Madurai District.
- 4.The Block Development Officer,
Office of the Block Development Office,
Chellampatti Panchayat Union,
Usilampatti Taluk,
Madurai District.



WEB COPY



W.P.(MD).No.16964 of 2020

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.P.(MD).No.16964 of 2020

17.12.2024