



W.P(MD)No.17233 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17233 of 2024

and

W.M.P.(MD)No.14849 of 2024

Gowri

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District, Madurai.

2.The Tahsildhar,
Office of the Tahsildar,
Peraiyur Taluk,
Madurai District,
Madurai.

3.The Block Development Officer,
Office of the Block Development Office,
T.Kallupatti Block, Madurai District,
Madurai.

4.The President,
Jeganathampatti Village,
Pulliyam Panchayat,
Peraiyur Taluk,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records of the proceedings in Na.Ka.No.1059/2024/Vu1 dated 03.07.2024 on the file of the 3rd respondent, the Block Development Officer, and quash the same as illegal and consequently direct the respondents 1 and 4 to remove the drainage channel that was constructed towards the Southern side of the Puliampatti to T.Kunnathur Road, where the petitioner's land comprised in S.No.143/1, Old S.No.153/1 situated in Puliampatti village, Peraiyur Taluk, Madurai district and also not to disturb the petitioner's possession over the above said land based on the representation dated 08.07.2024.

For Petitioner : Mr.S.Surya

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.J.Jeyakumaran for R4.

ORDER

Heard both sides.

2.According to the petitioner, the panchayat drainage channel is sought to be diverted and made to flow through her patta land.

3.The stand of the local body is that that the drainage channel is flowing only through poramboke land and that on account of the obstruction created by the petitioner, there is a serious threat to public health.



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4.This issue can be resolved only by conducting a proper survey. In fact, the impugned letter dated 03.07.2024 also proposes the same. The only question is whether it should be done at the expenses of the petitioner or not.

5.It is the panchayat that wants to resolve the issue. Therefore, I direct the third respondent to conduct the survey. The survey shall be conducted on 03.08.2024 from 09.00 am onwards. The petitioner will not receive any independent notice. The petitioner is expected to be present along with all the relevant records. The jurisdictional police are also directed to be present. The petitioner has to extend her cooperation. The question of fighting with the public authority should not arise at all. The petitioner's rights will abide by the outcome of the survey. If the petitioner is still having any grievance, her only remedy is to before the jurisdictional Civil Court. She cannot on her own block any drainage channel.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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