



W.P(MD)No.17771 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.08.2024

CORAM

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

W.P(MD)No.17771 of 2024

S.Ramaraj @ Rajaram

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The District Revenue Officer,
Collectorate,
Theni.

3.The Revenue Divisional Officer /
Divisional Monitoring Committee,
Periyakulam,
Theni District.

4.The Tahsildar,
Taluk Office,
Theni.

5.Siva

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the



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encroachment of fencing made by the respondents 5 and 6 herein on the Odai running in Survey No.309/1A measuring 0.5.50 Ares, situated in Rasingapuram Village, Bodinayakanur Taluk, Theni District.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents. Considering the nature of relief to be granted, issuance of notice to the private respondent is dispensed with.

2.The petitioner alleges that encroachment has been committed in respect of the petition mentioned water body.

3.In UDR, the petition mentioned survey number has been classified as “Nilaviyal Odai”.

4.The learned Special Government Pleader categorically states that the said channel is still available on ground. We give a direction to the official



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respondents that free flow of water through the said channel must be ensured and that no obstruction can be placed thereon.

5.The petitioner's real grievance appears to be the fencing put up by the private respondents. It probably affects the access rights of the petitioner. To secure the access rights, the petitioner will have to go only before the jurisdictional civil Court.

6.With the aforesaid liberty to the petitioner and direction to the official respondents, this writ petition is disposed of. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
06.08.2024

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

To

- 1.The District Collector,
Theni District.
- 2.The District Revenue Officer,
Collectorate,
Theni.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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3.The Revenue Divisional Officer /
Divisional Monitoring Committee,
Periyakulam,
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