



W.P (MD).No.9310 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.9310 of 2018

and

W.M.P(MD)No.8618 of 2018

1.Vellaiyan
2.V.Moorthy

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.

2.The Assistant Divisional Engineer,
Assistant Divisional Engineer Office,
Highways Department,
Thirupathur,
Sivagangai District.

3.The Tahsildar,
Tahsildar Office,
Singampunari Taluk,
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent herein in his proceedings in ந.க. ஐ1/21343/2017 dated 21.03.2018 served on 28.03.2018 and quash the same as



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illegal and further direct the respondents herein to remove pipe line and realign Kudali Kanmoi in Kirungakottai Village, Singampunari Taluk, Sivagangai District without affecting Plot No.55 measuring 5 cents in Survey No.204/77 in Patta No.611 in Kirungakottai Village, Singampunari Taluk, Sivagangai District.

For Petitioner : Mr.V.Meenakshisundaram
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 21.03.2018 thereby, laid a pipe line by affecting the petitioner's land.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner owned a land comprised in Survey No.204/1 and 204/5 now subdivided as Survey No.204/77, Plot No.55 measuring 5 cents under patta No.611 in Kirungakottai Village, Singampunari Taluk, Sivagangai District. The petitioner constructed a house and residing there. The petitioner's land is situated near to Kudali Kanmoi in Survey No.354/1 admeasuring



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0.09.00 hectare, Kirungakottai Village, Singampunari Taluk. It is used for irrigation of lands in and around Kirungakottai Village and the excess water from the Kanmoi will be drained through pipeline fixed in the bund of Kanmoi. The drained water now flows into the petitioner's land and as such, it affects the petitioner's life. Therefore, the petitioner submitted a detailed representation to remove the pipeline and the same was not considered since the petitioner approached this Court in W.P(MD)No.17654 of 2017. This Court by an order dated 21.09.2017 directed the respondents therein to consider the representation after giving an opportunity of hearing. After enquiry, the first respondent passed an order to lay the bridge to put the pipeline to drive the water by Kirungakottai group.

4. The learned counsel appearing for the petitioner would submit that the drained water flow in the petitioner's plot and as such, the petitioner's plot is not in use.

5. Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that in view of the objections raised by the petitioner, drained water pipeline has not been installed as per the order passed by the first respondent. The drained water is now flowing on the southern side of the petitioner's land through drainage channel.



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6. Recording the said submission, the writ petition is closed. It is also made clear that if any drained water led into the petitioner's plot, it would amount to violation of the order passed by this Court, the petitioner is at liberty to initiate the contempt proceedings as against the respondents. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

14.11.2024

To

- 1.The District Collector,
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Sivagangai.
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Tahsildar Office,
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G.K.ILANTHIRAIYAN, J.

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