



W.P(MD)No.16886 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

**W.P(MD)No.16886 of 2016
and
W.M.P(MD)No.12250 & 12251 of 2017**

1.A.Salaithu Raj

2.A.Marianandan @ Arulanandu

... Petitioners

Vs.

1.The District Collector
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai District.

3.The Tahsildar
Kalaiyarkovil Taluk,
Sivagangai.

4.The Block Development Officer/Commissioner,
Kayalaykovil Panchayat Union,
Kalayarkovil,
Sivagangai.



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5.The Executive Engineer
Public Works Department,
Water Resource Organisation,
Sivagangai.

6.The Assistant Engineer
Public Works Department,
Water Resource Organisation,
Kalayarkovil,
Sivagangai District.

7.P.Sivaji

8.Azhagarsamy

9.Chinnappan

10.Arul Alias Arulanandu ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 5th respondent in ref.No.V6/Ko. 56/219M/2016 dated 08.07.2016 quash the same and consequently forbear the respondents 5 and 6 herein from interfering with the water course of Sanar Maruthangudi Kanmoi receiving surplus water from 1. Kodungulam alias Periya Kodugudi Kanmoi, 2. Siruganaperi Kanmoi, 3.Chinna Muramanickam Kanmoi and 4.Muramani Chinnakanmoi, as per A-Register and revenue records.



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For Petitioners : Mr.D.Sivaraman

for Mr.S.Srinivasa Raghavan

For Respondents : Mr.P.Thilak Kumar - for R1 to R6

Government Pleader

Mr.S.Bharathi – for R7 to R10

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.D.Sivaraman, learned counsel for the petitioners, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 6 and Mr.S.Bharathi, learned counsel appearing for the respondents 7 to 10.

2. The learned counsel for the petitioners submits that the water course for Sanar Maruthangudi Kanmoi is being tampered with. The water canal formed by the respondent No.5 and 6 interfering the legal right of the water and water course leading to Sanar Maruthangudi Kanmoi is illegal and against the mode of regular supply of water as per the revenue record. The joint meeting was held in the year 2006. The same is required to be adhered to by the respondents.



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3. The respondents have filed an affidavit saying that it is erroneous to say that the water course or the water canal is being interfered with. There is no damage caused to Maruthangudi Kanmoi Tank bund and the feeding channel is available for Maruthangudi Kanmoi is not directly connected to Pullukottai Kanmoi. There is no complaint from any section of people relating to sharing of the water resource in respect of Maruthangudi Kanmoi and Pullukottai Kanmoi.

4. We asked the learned counsel for the petitioners as regards the position today. The learned counsel for the petitioners submits that after the Writ Petition is filed, the respondents have restored the original position and the village of the petitioner is getting normal water. The same position be continued, as is operating today.

5. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[G.I., J.]

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Index : Yes / No
Neutral Citation : Yes / No
RM



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THE HONOURABLE CHIEF JUSTICE
and
G.ILANGO VAN, J.

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