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W.P.(MD)NO.29192 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.29192 of 2024

P.Durai Raj

... Petitioner

Vs.

1. The District Collector,
Tenkasi District.
2. The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
3. The Tahsildar,
Alangulam Taluk,
Tenkasi District.
4. The Assistant Engineer,
Public Works Department,
Water Resources Department,
Tenkasi.
5. Manimuthu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to implement the order passed by the second respondent vide his emergent memo in P.UD.(A3)-451094-2023 dated 24.02.2023 with regard to the



removal of the encroachment made by the fifth respondent in a water body called Nilaviyal Odai at the northern side of survey No.284/2A, Ainthankatalai Village, Alangulam Taluk, Tenkasi District within the time stipulated as fixed by this Court and thereby to ensure that the unobstructed water is flown through the said Odai so as to reach Arunthiraiyan Kulam and Anaikarai Kulam situated in the said village.

For Petitioner : Mr.R.Anand

For R-1 to R-4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. It is seen from the revenue record that survey No.284/2A, Ainthankatalai Village, Alangulam Taluk has been classified as “Nilaviyal Odai”. Of course the fifth respondent is the pattadar. If the revenue record indicates the existence of water body, then it has to be maintained as such even though the land may be a patta land.



3. The learned counsel for the petitioner draws our attention to the emergent memo No.Pa.Mu.(A3)-451094-2023 dated 24.02.2023 issued by the Revenue Divisional Officer, Tenkasi. It is seen therefrom that the enquiry was conducted and the revenue authority has given a definite finding that the pattadar has blocked the said channel. All that the petitioner wants is implementation of the aforesaid proceedings.

4. No exception can be taken to the petitioner's request. Respondents 3 and 4 are directed to implement the aforesaid memorandum No.Pa.Mu.(A3)-451094-2023 dated 24.02.2023 issued by the second respondent. Of course before doing so, notice shall be issued to the fifth respondent. This shall be done as expeditiously as possible. This writ petition stands disposed of. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

6th December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Tenkasi District.
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