



W.P.(MD).No.31087 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31087 of 2023

M.R.G.Ramachandran

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar 626 001.

2.The Tahsildar,
Kariapatti Taluk,
Kariapatti 626 106,
Virudhunagar District.

3.The Block Development Officer,
(Village Panchayat),
Block Development Office,
Kariapatti 626 106,
Virudhunagar District.

4.The Panchayat President,
Kurandy Village Panchayat,
Kurandy 626 115,
Kariapatti Panchayat Union,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned proceedings in Na.Ka.Pi.1/258./2023, dated 28.06.2023 passed by the third respondent as not valid in law and thereby quash the same as illegal and consequently directing the third and fourth respondents to remove the ditch constructed in the petitioner's patta land situated in S.No.71/3A in Kurandy Village, Kurandy Post, Kariapatti Taluk, Virudhunagar District, by fixing a time limit.

For Petitioner	: Mr.D.Gurusamy
For R1 and R2	: Mr.A.Kannan Additional Government Pleader
For R3 and R4	: Mr.K.Christy Theboral Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order passed by the third respondent in Na.Ka.Pi.1/258./2023, dated 28.06.2023 and to quash the same and consequently direct the third and fourth respondents to remove the ditch constructed in the petitioner's patta land situated in S.No.71/3A in Kurandy Village, Kurandy Post, Kariapatti Taluk, Virudhunagar District, by fixing a time limit.

2. According to the petitioner, he is the owner of the land in S.No. 71/3A to an extent of 30 cents situated at Kurandy Village, Kurandy Post,



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Kariapatti Taluk, Virudhunagar District. He has constructed a house in the said land and living there for about 20 years. While so, the fourth respondent proposed to construct a drainage/ditch to regulate the sewage water of village households starting from S.No.71/16. The fourth respondent committed mistake in demarcation of the boundary by invading 5 feet into his patta land and started to construct the ditch in his patta land. The petitioner strongly opposed the action of the fourth respondent. But the fourth respondent assured that after doing measurement with the help of competent officials only they will start the ditch work. Since the fourth respondent did not act upon as per his assurance, the petitioner has made a representation to the respondents to measure the boundary between his land and the Government land. But no action has been taken by the respondents. Hence, the petitioner has made an application to the second respondent on 27.09.2021, to measure the extent of the patta land and to fix four boundaries. Thereafter, the surveyors came and measured the petitioner land and marked four boundaries during the month of October 2021, in the presence of the fourth respondent. The measurement reveals that the fourth respondent constructed the ditch for about 120 feet in his patta land. Hence, he made a representation to the fourth respondent on 02.10.2021, to remove the



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ditch from his patta land. Thereafter, he submitted a representation to the first respondent on 12.12.2022, to remove the ditch. However, there was no action on the part of the respondents. But the third respondent has sent the impugned letter to the petitioner on 28.06.2023, stating that the ditch was constructed in his patta land out of his own consent and willingness and as of now, there is no possibility to remove the ditch and it will be done in the next financial year. Challenging the same, the present writ petition has been filed.

3. According to the respondents, they are going to take appropriate measure for obtaining grant from the Government and in the next financial year, sewage water drain will be constructed from the amount being disbursed by the Government.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. On perusal of the impugned order, it is seen that the petitioner has given a complaint before the Chief Minister Special Cell on 10.06.2023 and in Na.Ka.P1/258/2023, dated 28.06.2023, the Block



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Development Officer stated that the said sewage water system was constructed 15 years back and only after getting permission, the same was made ready and then it has been used by the village people for the past 15 years. Now, the petitioner has blocked the said flow of water and hence, there is some inconvenience caused to the village people.

6. On going through the photographs, it is seen that it is a village situated near the main road and the drain water has been flowing into the ground and there is no proper drainage system available. The respondents agreeing that they will take necessary steps. Further, it is seen that the petitioner and the fourth respondent are the brothers and now due to some difference of opinion, they have started to fight against each other.

7. It is made clear that definitely this blockage is going to cause inconvenience to the people, who are residing in that area. Hence, the fourth respondent is directed to immediately deepen the said drainage and also obtain appropriate help from the Assistant Director of Panchayat for necessary funds. Further, the fourth respondent is directed to allot the persons, who have been appointed for doing the sanitary work, to clear all the garbage in and around the village road. The District Collector,



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Virudhunagar is directed to consider the proposal being sent by the Block Development Officer for allotting funds for constructing sewage drain in the financial year 2024 – 2025 without fail.

8. It is made clear that if the places where there is any obstruction, the Block Development Officer is directed to depute officials for measuring the said places and remove all the encroachments available in the said area for construction of drainage system. Further, the Panchayat President is directed to issue instruction to all the houses not to throw waste materials in and around the houses and put it in the dust bin, which would be provided in the Panchayat and the village people are also directed to make a soak pit in their houses.

9. With the above directions, this Writ Petition is disposed of. No costs.

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