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W.P.No.29938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 29938 of 2024

B.Gowthaman

...Petitioner

Vs.

1.The Principal Secretary to Government
Revenue and Disaster Management Department,
Tamil Nadu Government,
St. George Fort,
Chennai-09.

2.The Commissioner of Revenue Administration
Chepauk,
Chennai-05.

3.The District Collector
Collectorate,
Namakkal District - 637 003.

4.The District Revenue Officer
Namakkal,
Namakkal District.

5.The Tahsildar
Sendamangalam Taluk,
Namakkal District.



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6.Varudharajan

7.Senthil Kumar

8.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai.

...Respondents

(R6 and R7 impleaded as per order dated 18.11.2024 in WMP.No.37504 of 2024).

(R8 suo motu impleaded by order of this Court dated 07.01.2025).

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondents not to change the course of the natural waterway (Vellavari) comprised in S.nos. 247/3, 382/2, 383/ 2 and 384/1, Belukurichi Village, Sendamangalam Taluk, Namakkal District or alter the FMB sketch and plan marked details pertaining to the above waterway / Vellavari and proceed in accordance with the directions of this Honble Court in orders dated 23.11.2023 and 22.02.2024 made in W.P.No. 32430 of 2023 and W.P.No. 3214 of 2024 respectively by considering the petitioner's representation dated 30.05.2024 and 26.07.2024



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For Petitioner : Mr. N.Manokaran
For R.T.Vishnu

For Respondents : Mr. P.Sathish
1 to 5 Additional Government Pleader.

For Respondents : Mr. A.K.Sriram,
6 & 7 Senior Counsel
For Mr. A.Manoj Kumar.

ORDER

The Writ Petition is filed for the following relief:

“To direct the respondents not to change the course of the natural waterway (Vellavari) comprised in S.nos. 247/3, 382/2, 383/ 2 and 384/1, Belukurichi Village, Sendamangalam Taluk, Namakkal District or alter the FMB sketch and plan marked details pertaining to the above waterway / Vellavari and proceed in accordance with the directions of this Honble Court in orders dated 23.11.2023 and 22.02.2024 made in W.P.No. 32430 of



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2023 and W.P.No. 3214 of 2024 respectively by considering the petitioner's representation dated 30.05.2024 and 26.07.2024.

2. The Commissioner Land Administration, Chepauk, Chennai, is suo motu impleaded as the 8th respondent.

3. The genesis for the filing of the Writ Petition is the order dated 22.05.2024 passed in W.P.No.13847 of 2024. It is also informed that the Writ Petitioner has taken out an application for recalling the order passed in W.P.No.13847 of 2024 and the same is pending.

4. Meanwhile, this Writ Petition has been filed for the relief as stated above. Any order that would be passed in this Writ Petition would be a fetter to the order passed by the learned Judge in W.P.No.13847 of 2024. The learned Judge had passed the following order:

“5.This Court, therefore, without going into the



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merits of the matter, permits the petitioners to submit a fresh representation to the Commissioner of Land Administration, who shall, upon receipt thereof, consider the same on merits and pass final orders in accordance with law within a period of four months thereafter.”

5. Admittedly, the water course has not been altered or steps taken to alter it to date. It is only the application made by the respondents 6 and 7 that is pending before the 8th respondent.

6. Therefore, the 8th respondent shall consider the application filed by the respondents 6 and 7 after issuing due notice to the petitioner herein who shall also be heard before orders are passed. Till orders are passed, the water way as set out in the sketch filed by the respondent 6 and 7 in their typed set of papers shall not be altered in any manner.

7. The 8th respondent shall dispose of the application taking into



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account the circular issued by them as also the various Judgements passed by this Court, within a period of 8 weeks from the date of receipt of a copy of this order.

8. The respondents 6 and 7 have impleaded Rajamani in W.P.No.13847 of 2024. The said Rajamani has already given an undertaking before this Court that he will remove the encroachments by the end of August 2024 and now the time extended has lapsed as it is December 2024. The respondents shall therefore initiate steps since the time has already lapsed.

9. The Writ Petition is disposed of with the above directions. No costs.

07.01.2025

Index : Yes/No
Internet : Yes/No
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