



WEB COPY



W.P.No.37296 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.37296 of 2024

1.G.Subramani

2.G.Muthuraman

...Petitioners

Vs.

1.The Chief Secertary
Government of Puducherry
Secretariat, Beach Road,
Puducherry-605001

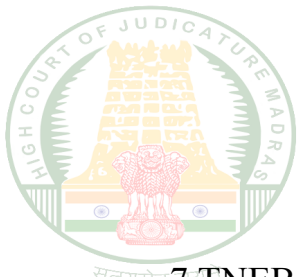
2.The Secretary
Local Administration Department,
Secretariat, Beach Road, Puducherry-605 001

3.The District Collector
Office Of The District Collector,
Puducherry Vazhuthavur Salai,
Pettaiyan Chatram, Puducherry-605 009

4.The Executive Engineer, P.W.D
Irrigation Division,
Rue Suffren Street, Puducherry-605 001

5.The Commissioner
Nettapakkam Commune Panchayat, Puducherry

6.The Chief Engineer
Office Of The Engineer, P.W.D,
Puducherry-605 001



W.P.No.37296 of 2021.

7.TNEB Rep By Its Supervising Engineer
Office of The Supervising Engineer,
Cuddalore Division, Capper Quarry, Cuddalore-4

8.The Engineer
Distribution And Maintenance, TNEB,
Pudukadai 605 007 ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to take necessary action to maintain free flow of water through the channel No.48,Karikalampakkam Tank, Karikalampakkam, puducherry and to restore the water channel to its original width as found in the Revenue records adjoining the petitioners land R.S.No.59/66, R.S.No.74/2,R.S.No.74/3, R.S.No.74/4,R.S.No.80/1, R.S.No.80/3 and R.S.No.80/5.

For Petitioners : Mr.D.Rajagopal
For Respondents : Mr.V.Vasanth Kumar for R1 to R6
Additional Government Pleader (Puducherry)

ORDER

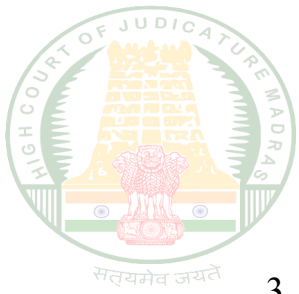
The writ petition is filed seeking a direction to respondents 1 to 6 to take necessary action to maintain free flow of water through the channel No.48, Karikalampakkam Tank, Karikalampakkam, Puducherry and restore the water channel to its original width as found in the Revenue records adjoining the petitioners' land in R.S.No.59/66, R.S.No.74/2, R.S.No.74/3, R.S.No.74/4, R.S.No.80/1, R.S.No.80/3 and R.S.No.80/5.



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2. It is the case of the petitioners that there is a lake called No.48, Karikalampakkam Tank. The water from the said lake passes through a channel which is used for irrigation purpose. The extent of the lake is 5 acres. The water that flows from the tank is being used for irrigation of nearly 100 acres of agricultural lands. The width of the channel is 10 meters to 6.4 meters. The width is not uniform and in some places, it is 10 meters, in the middle portion, it is 8 meters and in the end portion, the width is 6.4 meters. Since there are encroachment in the channel during rainy seasons, there is no free flow of water and the water flows through the channel inundates adjoining agricultural lands. Therefore, the petitioners submitted a representation before the 5th respondent and other revenue officials seeking removal of the encroachment. Based on the said representation, the 5th respondent sent a communication to the 2nd respondent that the removal of the encroachment will be taken up during dry crop period as said process will affect nearby agricultural lands during regular crop season.



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3. Mr.V.Vasantha Kumar, learned Additional Government Pleader (Puducherry), who takes notice for the respondents 1 to 6, submits that as per the communication of the 5th respondent dated 12.09.2024, the encroachment in the channel will be removed during the dry crop season. The said statement made by the learned Additional Government Pleader (Puducherry) is recorded and the 5th respondent is directed to consider the representation of the petitioner dated 20.09.2023 and remove the encroachment if any, in the above mentioned channel and restore the same to the original position as per the revenue records on or before 30.06.2025, after issuing notice to all interested parties, neighbouring land owners.

4. With the above directions, the writ petition stands disposed of. No costs.

07.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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Neutral Citation Case : Yes/No
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To

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Office Of The District Collector,
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