

W.P(MD)No.20075 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.20075 of 2024
and
W.M.P(MD)Nos.17055 & 21665 of 2024**

1.P.Rengasamy
2.Ramesh
3.M.Arumugam
4.P.Ramamoorthy

... Petitioners /
Petitioners

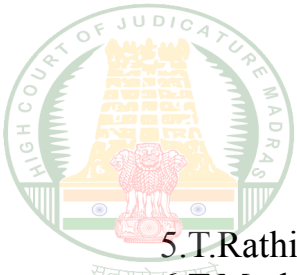
Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Tahsildar,
Kulithalai,
Karur District.

4.The Block Development Officer,
Thogamalai,
Kulithalai Taluk,
Karur District.



W.P(MD)No.20075 of 2024

5.T.Rathinam

6.T.Muthu Kannu

7.T.Vadivel

... Respondents /
Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to forbear the respondents 5 to 7 from converting the water channel (vari) situated at S.No.91/2 into a cart track by filling gravel sands and by laying a pukka road in order to connect the landed property in S.No.91/3A belonging to the private respondents with the land in S.No.88 situated at Thogamalai Village, Karur District on the basis of the petitioner representation dated 27.07.2024.

For Petitioners : Mr.B.Saravanan
Senior Counsel
for M/s.B.Saravanan Associates

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

Mr.R.Murugappan
for R.5 to R.7

ORDER

Heard both sides.

2.The only prayer made in the writ petition is that Survey No.91/2, Thogamalai Village which has been classified as “Vari” should not be converted into a cart track.



W.P(MD)No.20075 of 2024

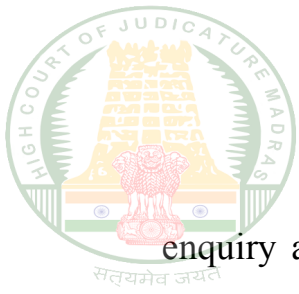
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3.No exception can be made to this request. A channel has to remain as channel for all times to come. No road will be laid thereon. The character of the channel will not be altered. We had granted interim injunction on 29.08.2024.

4.The learned Senior Counsel states that subsequently at the instance of the seventh respondent the bunds had been breached so as to form a road across the channel.

5.The learned Special Government Pleader undertakes that if any bund as alleged by the petitioners had been broken, the original position will be restored.

6.We disapprove the conduct of the seventh respondent. The seventh respondent had filed WP(MD)No.24980 of 2024 and obtained an innocuous order on 22.10.2024. The seventh respondent herein filed the said writ petition after filing vacate stay in the present writ petition. The learned single Judge who heard W.P(MD)No.24980 of 2024 directed the Inspector of Police, Thogamalai Police Station to issue notices to the concerned parties and conduct



W.P(MD)No.20075 of 2024

enquiry and take a decision. Deliberately misconstruing the said order as if

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some direction has been given for removal of encroachment, the bund in question appears to have been opened. In order to cover up this, Vadivel subsequently filed W.P(MD)No.31255 of 2024. The said writ petition came up for disposal before us on 03.01.2025. On the said date, we only recorded the stand of the learned Special Government Pleader and nothing else. Even in the written instruction now given, a different spin had been given by the Tahsildar. She had falsely stated as if we had given a direction vide order dated 03.01.2025. We disapprove the conduct of not only Thiru.Vadivel / seventh respondent herein but also Ms.Indhumathi, Tahsildar, Kulithalai. We want both of them to be careful in future. We reiterate our earlier direction that the bund in question shall be restored forthwith and without delay.

7.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
11.03.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA



W.P(MD)No.20075 of 2024

To
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W.P(MD)No.20075 of 2024

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and

B.PUGALENDHI, J.

MGA

W.P(MD)No.20075 of 2024

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