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W.P.(MD)NO.26816 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

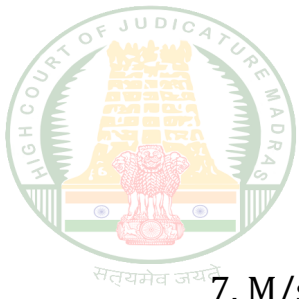
W.P.(MD)No.26816 of 2024

R.Paramasivan

... Petitioner

Vs.

1. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai -2.
2. The District Collector,
Tirunelveli District,
Tirunelveli.
3. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli City.
4. The Assistant Director,
Department of Town and Country Planning,
Tirunelveli.
5. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Tirunelveli District.
6. The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.



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7. M/s.Sameera Estate Pvt. Ltd.,
Rep. by Kumar,
No.117, Township,
Poonamallee to Avadi Road,
Viraraghavapuram, Poonamallee,
Chennai.

8. M/s.Nithees Land Realtors Pvt. Ltd.,
Rep. By Kumar,
No.16, Ali Askar Road,
Bangalore,
Karnataka.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 2 and 6 to remove the encroachment made by the respondents 7 and 8 in the water channels in survey Nos.615/1A, 615/1B, 615/1C, 615/1D, 3 Part, 616, 617, 618 and 619 in Chathiram Pudhukulam Village, Tirunelveli Taluk and District which carrying water from Chettikulam Kanmai situated adjacent thereto by invoking the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 forthwith.

For Petitioner : Mr.R.Anand

For R-1,R-2 &
R-4 to R-6 : Ms.P.B.Ahamed Yasmin Parvin

For R-7 & R-8 : Mr.S.Ramesh
For R-3 : Mr.K.Vinayak

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ORDER

Heard both sides.

2. The petitioner alleges that the respondents 7 and 8 have committed encroachments on the petition-mentioned water body.

3. In response thereto, we directed the sixth respondent to conduct spot inspection and file counter affidavit. Paragraph Nos.5 and 6 of the counter affidavit filed by the Tahsildar reads as follows:-

“5. I respectfully submit that, thereafter filing the present writ petition by the petitioner as the 6th respondent of this writ petition, made on an inspection on the disputed lands along with subordinated such as the Town surveyor, Village Administrative Officer, Chatthiram Pudukulam Village Assistant, Revenue Inspector Naranammal Puram and Zonal Deputy Tahsildar Tirunelveli and surveyed by the town surveyor the land in survey Nos.615/1A, 615/1B, 615/1C, 615/1C, 615/1D, 615/3(P), 616, 617, 618 and 619 (now in new town ward A, Block 19, town survey Nos.45, 46 /1 to 7, 47, 48/2, 44/1 and 44/2) mentioned in the writ petition and the



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abovesaid land belongs to and patta the respondents 7 and 8 also stand in their name. Enquiry reveals that the respondents 7 and 8 herein purchased the abovesaid land for house site now the respondents 7 and 8 both of them joined together and constructing a compound wall in north side of the land in the survey No.615 in Chatthiram Pudukulam Village. There is no encroachment over the land as mentioned in the writ petition. The width of the irrigation canal which runs in the patta land is 0.90 meter (i.e. 3 feet) and the length is 177.4 m (i.e 582 feets) in the survey number situated in Chatthiram Pudukulam village.

6. I humbly submit that the canal in question is The Nilavial Irrigation canal and the respondents 7 and 8 herein are not made any hurdles and also not distirbute the flow of water to other nanjai lands in the ayacut of the Chettikulam tank. I further submit that if the respondents 7 and 8 herein made any obstruction of hurdles on free flows of water in the irrigational canal in future it is ensured that action will be taken by the authorities concerned to remove such encroachment as per Tamil Nadu Encroachment Act 1905."



4. We are satisfied that no case for issuance of any direction has been made out. This writ petition stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
13th March 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai -2.
2. The District Collector,
Tirunelveli District,
Tirunelveli.
3. The Assistant Director,
Department of Town and Country Planning,
Tirunelveli.
4. The Executive Engineer,
Public Works Department,
Water Resources Organization,
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5. The Tahsildar,
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