



W.P.(MD)No.20074 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **21.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.20074 of 2017

and

W.M.P.(MD)No.16342 of 2017

Emil Jeyaraj

... Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.

3. The Block Development Officer / Special Officer,
Pudukkottai Thottiyapatti Panchayat,
Peraiyur Post, Madurai District.

4. S.Yuvaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 herein from in any way laying the Water Channel through the patta land of the petitioner comprised in S.No. 204/7A, 6, 2 and 9 situated at Chinnapulanpatti Village, Peraiyur Taluk, Madurai District.



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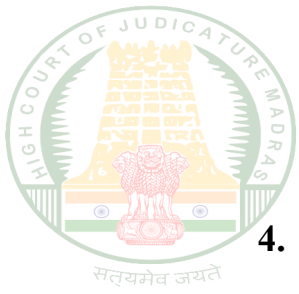
For Petitioner : Mr.C.Gangai Amaran
For Respondents : Mr.R.Sureshkumar (R1 to R3)
Additional Government Pleader
Mr.A.Balakrishnan (R4)

ORDER

This writ petition has been filed for a negative mandamus seeking to restrain the respondents 1 to 3 from in anyway laying water channel through patta land comprised in S.No. 204/7A, 6, 2 and 9 situated at Chinnapulanpatti Village, Peraiyur Taluk, Madurai District.

2. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

3. It is to be noted that the 4th respondent herein had earlier filed a writ petition before this court seeking to trace measure and regulate water course to his property through the petitioner's land. Such writ petition was disposed with a direction to the second respondent herein to consider the claim of the fourth respondent on its own merits and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order. Apprehending that the water course, a channel would be drawn on the petitioner's land, the petitioner had approached this Court in the instant writ petition.



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4. Today when the matter was taken up for hearing, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 had produced the written instructions given to him by the second respondent indicating that there is no proposal to lay any water channel in the petitioner's land and that in any event, the same could only be laid in survey No. 204/7A belonging to one Prithviraj Singh.

5. Such written instruction also clearly indicates that till date, there was no water channel that ran in the petitioner's land. In view of the specific written instructions placed on record before this Court, this Court is of the view that there is no necessity to further adjudicate upon the writ petition filed by the petitioner, as it has been specifically admitted by the respondents 1 to 3 that they are not going to lay water channel running through the petitioner's land. In such view of the matter, I do not see any impediment in granting mandamus as prayed for by the petitioner. In fine, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.01.2025

NCC : Yes / No
Index : Yes / No
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K.KUMARESH BABU, J.

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TO:-

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2. The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.
3. The Block Development Officer / Special Officer,
Pudukkottai Thottiyapatti Panchayat,
Peraiyur Post, Madurai District.

Order made in
W.P.(MD)No.20074 of 2017

Dated
21.01.2025