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W.P.(MD)NO.28025 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.28025 of 2024

M.Kanjana

... Petitioner

Vs.

1. The District Collector / Monitoring Committee,
Madurai District.

2. The District Revenue Officer,
District Collector Office, Madurai-1.

3. The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

4. The Block Development Officer,
Alanganallur Panchayat Union,
Alanganallur, Madurai.

5. S.Mahalingam

6. R.Veluchamy

7. P.Natarajan

8. R.Sivarajamani

9. K.Veluchamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment of the irrigation



channels in S.Nos.214 and 215 situated at Muduvarpatti Village, Vadipatti Taluk, Madurai District and subsequently direct the first respondent to construct canal to safeguard the irrigation channel within a time frame stipulated by this Court.

For Petitioner : Ms.B.Bhuvaneshvari,
for M/s.Ganesan Legist Law Firm.

For R-1 to R-3 : Ms.P.B.Ahamed Yasmin Parvin,
Government Advocate.

For R-4 : Mr.A.Baskaran,
Additional Government Pleader.

For R-5 to R-9 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 to 3 and the learned Additional Government Pleader appearing for the fourth respondent.

2. The petitioner herein filed W.P.(MD)No.24754 of 2016 for removal of encroachment in the irrigation channel runs through survey Nos.214 and 215, Muduvarpatti Village in Vadipatti Taluk. The writ petition was disposed of by the Hon'ble Division Bench on 13.07.2017 in the following terms:-



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“The petitioner has filed this writ petition seeking a direction for removal of encroachments made by the private respondents herein in survey Nos. 214 and 215, situated at Muduvarpatti Village, Vadipatti Taluk, Madurai District.

2.The Tahsildar, Vadipatti Taluk in his communication bearing Na.Ka.No.A3/259/2017 dated 09 January, 2017 has stated that site inspection was conducted and it was found that survey No.214 is a patta land and that S.No.215 is a cart track and that there were some encroachments in the cart track and that they had been removed.

3.The learned counsel appearing for the petitioner would still contend that his grievance with regard to the flow of water in the irrigation channel in question is yet to be redressed. According to him, it was being blocked on account of the encroachments committed by the private respondent herein. We permit the petitioner to submit a comprehensive representation to the Tahsildar, Vadipatti Taluk, who shall look into the same and take appropriate action in accordance with law after due notice to the interested parties. The Tahsildar shall complete the exercise within two months from the date of receipt of such representation.



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4.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.”

3. Pursuant to the said direction, an enquiry was conducted and the encroachment as alleged by the petitioner was also duly confirmed by the Tahsildar. This is evident from a bare reading of the memorandum dated 11.11.2017 issued by the Tahsildar, Vadipatti.

4. We direct the third respondent to take the process to its logical conclusion and ensure that the irrigation channel that runs through the petition-mentioned survey numbers is restored. The entire exercise will be completed within a period of three months from the date of receipt of a copy of this order. If the Tahsildar, Vadipatti fails to do so, it is open to the petitioner herein to file contempt petition before us. This writ petition stands allowed accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
11th March 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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AND

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