



W.P(MD)No.17595 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2023

CORAM

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

W.P(MD)No.17595 of 2019

Palaniappa Pasana Paripalana Sabai,
Palanichettipatti, Theni District,
Rep by its Prsident,
S.Pasupathi Ramakumar.

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Theni District.
- 2.The Executive Engineer,
Public Works Department,
Theni.
- 3.The Tahsildar,
Office of Taluk Office,
Theni.
- 4 The Executive Officer,
Palanichettipatti Town Panchayat Union,
Palanichettipatti, Theni District.
5. Vasudevan @ Kannan



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6.Packialakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the illegal encroachments made by the respondents 5 and 6 in the Vayakl area comprised in S.Nos.1452, 1438, 1442, 1417 and 1450 respectively situated at Veerapandi Village, Theni District based on the petitioner sangam representation dated 10.07.2019.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R4.
Mr.S.Siva Thilakar for R5 & R6.

ORDER

Heard both sides.

2.The petitioner wants this Court to direct the official respondents to remove the encroachments said to have made by the respondents 5 and 6 in the petition mentioned channel.

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3. When the matter was taken up for hearing, the learned counsel for the respondents 5 and 6 submitted that the private respondents have not committed any encroachment. This submission made by the learned counsel on behalf of the respondents 5 and 6 is placed on record.

4. The learned Special Government Pleader informs the Court that the petition mentioned channel has been handed over to the petitioner sabai and that it is for them to maintain it in proper shape. If fact, the petitioner sabai filed W.P.(MD)No.27769 of 2023, they took the stand that the Government department except making inspection has no other right over the channel. Be that as it may, since the petitioner has been entrusted the task of the maintenance of the petition mentioned channel, it is open to the petitioner to ensure that the channel is not encroached by any other private person. If the petitioner approaches the department for conducting survey or with any other request, the department is bound to oblige the petitioner.



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5.This writ petition is disposed of accordingly. No costs.

**(G.R.S.J.) & (B.P.J.)
30.11.2023**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
Office of the District Collector,
Theni District.
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Public Works Department,
Theni.
- 3.The Tahsildar,
Office of Taluk Office,
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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