



W.P(MD)No.10249 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.11.2023

CORAM

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

W.P(MD)No.10249 of 2018

A.Palanivel

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Executive Engineer,
Public Works Department,
G.A.Channel Division,
Thanjavur.
- 3.The Revenue Divisional Officer,
Pattukkottai, Thanavur District.
- 4.The Tahsildar,
Peravoorani Taluk,
Thanjavur District.
- 5.Neelakandan
- 6.Devarasu
- 7.Govindarasu



W.P(MD)No.10249 of 2018

8. Mahalingam

9.Dhanaraj

10.Ravichandran

11.Seenivasan Chettiar

12.Kalimuthu

13.Rathinavel

14.Panneer

15.Chandrodayam

16.Ganesan

17.Rajendran

18.Muthuvel

19.Thangarasu

20.S.Rameshkannan

21. Elango

22.Soman

23.Vallatharasu

24.Rengasamy

25.Veerappan

26.Jeyaraman

2/6



W.P.(MD)No.10249 of 2018

27.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Panagal Building,
Thanjavaur – 1.

... Respondents

*(R27 is impleaded vide order dated 07.11.2023
in W.M.P.(MD)No.22831 of 2023 in
W.P.(MD)No.10249 of 2018 by GRSJ & BPJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representations sent by the petitioner dated 23.07.2017 and 07.10.2017 and on the basis of the proceedings of the 2nd respondent in Ka.No.75/2016/Ko.22/Va.2/2016 dated 04.04.2016 for removal encroachments made by the respondents 5 to 26 in the water body viz. 'Kattatru channel' or 'Vellathevan channel' which is leading to 'Kuruvikarambai big Eri' or 'Kuruvikarambai Parampadi Eri' situated in Kuruvikarambai vilage, Peravoorani Taluk, Thanjavur District within the time to be stipulated by this Court.

For Petitioner : Mr.M.R.S.Prabhu

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R4.

Mr.S.Deenadhayalan for R10 & R21.

No appearance for R5 to 9, 11 to 20 & 22 to 26.



W.P(MD)No.10249 of 2018

ORDER

WEB COPY

Heard the learned counsel for the writ petitioner, the learned Government Advocate for the official respondents and the learned counsel for the impleaded respondent.

2.The prayer in the writ petition is for removal of encroachment made by the private respondents in the petition mentioned water bodies.

3.In our view, no exception can be taken to the said request.

4.However, the Executive Engineer, Public Works Department / WRD in his status report has pleaded certain practical difficulties. According to him, some of the encroachments can be removed only by the highways authority and not by Public Works Department. Taking note of the said submission as set out in the status report, we impleaded the 27th respondent also.

5.Before causing removal of the encroachments, survey has to be first conducted. The Tahsildar, Peravurani Taluk who has been arrayed as



W.P(MD)No.10249 of 2018

fourth respondent is directed to conduct a comprehensive survey of the petition mentioned water bodies. This survey shall be done on 16.11.2023 from 09.00 am onwards. We direct that the concerned officials in PWD / WRD as well as Highways department should not only be present but also to extend their fullest cooperation. Notice shall be issued to all the encroachers also. Survey report along with survey sketch shall be made ready within a period of two weeks thereafter. Based on the same, the respective authorities namely, the Assistant Engineer, WRD, the Tahsildar as well as the impleaded 27th respondent are directed to invoke the powers conferred on them by the respective statutes so as to clear the encroachments coming under their respective control. The entire exercise shall be completed on or before 31.03.2024.

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

(G.R.S.J.) & (B.P.J.)
07.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.10249 of 2018

**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

To:-

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Executive Engineer,
Public Works Department,
G.A.Channel Division,
Thanjavur.
- 3.The Revenue Divisional Officer,
Pattukkottai, Thanjavur District.
- 4.The Tahsildar,
Peravoorani Taluk,
Thanjavur District.

W.P(MD)No.10249 of 2018

**07.11.2023
(2/2)**