



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.19314 of 2014

A.S.Arunachalam

... Petitioner

V.s

1.The District Collector,
Tirunelveli Distrcit,
Tirunelveli.

2.The Tahsildar
Sivagiri Taluk,
Sivagiri,
Tirunelveli district.

3.The Commissioner,
Puliangudi Municipality,
Puliangudi
Tirunelveli District.

4.M.Sankarapandian
Chairman,
Puliangudi
Tirunelveli District.

5.The Hindu Nadar Uravinmurai committee,
rep.by President, Mr.M.Kamaraj
The Hindu Nadar Uravinmurai
Mahimai Committee Office,
Kavall Ramansamy Street,
T.N.Pudukudi, Pudukudi,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment from the water tank (Voorani) comprised at S.No.42 Old S.No.249, Ward No.3, Block No.34 at T.N.Pudukudi Village, Puliangudi Municipality, Sivagiri Taluk, Tirunelveli District and further desilt the tank to get it original position to ensure the collection of water.

For Petitioner : Mr.P.T.Thiraviam

For Respondents 1 & 2 : Mr.M.Alagadevan,
Special Government Pleader.

For R - 3 : Mr.K.P.Krishnadoss

For R - 4 : No appearance

For r - 5 : Mr.M.Kannan



ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

This writ petition has been filed in public interest, seeking a direction to the respondents 1 to 3 to remove the encroachment made in the water tank (Voorani) comprised at S.No.42, Old S.No.249, Ward No.3, Block No.34 at T.N.Pudukudi Village, Puliangudi Municipality, Sivagiri Taluk, Tirunelveli District.

2. Heard both sides.

3. The grievance of the petitioner appears to be that there are some encroachments on public water bodies and therefore, he made a representation to the respondents to take action and remove the encroachments. Since no final order has been passed, the present writ petition has been filed for the relief as stated supra.

4. At the hearing, the learned Special Government Pleader would submit that action will be taken as per Section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (in short 'the Act'), after issuing notice to all the necessary parties.

5. Recording the same, the competent authority, as specified in sub-section (2) of Section 6 of the Act, is directed to take appropriate action as per Section 7 of the Act, as expeditiously as possible, after affording sufficient opportunity to all the necessary parties in order to avoid allegation of violation of principles of natural justice.

6. With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar
Sivagiri Taluk, Sivagiri, Tirunelveli district.

3.The Commissioner,
Puliangudi Municipality,
Puliangudi, Tirunelveli District.

+1cc to Mr.M.kannan, Advocate SR.No.52728

+1cc to Mr.P.T.Thiraviam, Advocate SR.No.52237

+2ccs to The Special Government Pleader, Madurai. SR.No. 52728, 52670

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