



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.3882 of 2014

O.Manickam

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Executive Engineer,
Public Works Department/WRO,
Kundar Ground Water Sub-Division,
Usilampatti, Madurai District.

3.The Assistant Engineer,
Public Works Department/WRO,
Kundar Ground Water Sub-Division,
Usilampatti, Madurai District.

4.S.Sivanandi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue nature of writ for a direction directing the Respondent Nos.1 to 3 to remove the encroachment made by the fourth respondent to an extent of 3 acres in Survey No.125, Poduvarpatti Tank, Poduvarpatti Village, Usilampatti Tk, Madurai district and other encroachment made in the channels of the Poduvarpatti Tank in Survey Nos. 118,121,122,77/6 and consequently for a direction directing the Respondents 2 and 3 to desilt the Poduvarpatti Tank and its channels to an extent of 9.45.5 Hectares situated at Poduvarpatti Village, Usilampatti Tk, Madurai District within the time period stipulated by this Court.

For Petitioner

: Mr.Lajapathi Roy

For RR - 1 to 3

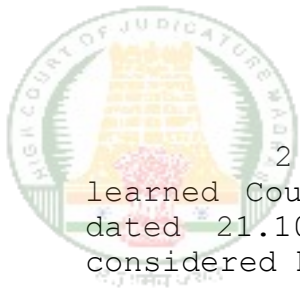
: Mr.M.Govindan

Spl.Govt.Pleader

ORDER

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

The prayer in the writ petition is to direct the Respondents 1 to 3 to remove the encroachments made by the fourth respondent to an extent of 3 acres in Survey No.125, Poduvarpatti Tank, Poduvarpatti Village, Usilampatti Taluk, Madurai district and other encroachments made in the channels of the Poduvarpatti Tank in Survey Nos.118,121,122,77/6 and consequently direct the Respondents 2 and 3 to desilt the Poduvarpatti Tank and its channels to an extent of 9.45.5 Hectares situated at Poduvarpatti Village, Usilampatti Tk, Madurai District



2. Though the petitioner has sought for the relief as above, the learned Counsel for the petitioner would submit that the representation dated 21.10.2013 submitted by the petitioner may be directed to be considered by the first respondent.

WEB COPY

3. Accordingly, without going into the merits of the petitioner's claim, we direct the District Collector, Madurai, first respondent herein to consider the representation of the petitioner dated 21.10.2013 on its own merit and in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law.

4. With the above direction, this writ petition stands disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

mj

To

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Executive Engineer,
Public Works Department/WRO,
Kundar Ground Water Sub-Division,
Usilampatti, Madurai District.

3.The Assistant Engineer,
Public Works Department/WRO,
Kundar Ground Water Sub-Division,
Usilampatti, Madurai District.

Writ Petition (MD) No.3882 of 2014
19.08.2015

CSL/SKS-RR/14.09.2015
2P/4C