



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

W.P.(MD)No.17619 of 2016

S.Manoharan

...Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Chief Engineer,
Public Works Department,
Water Resource Division,
Madurai - 2.

4.Gurusamy

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 3rd respondents to initiate legal action based on the representation of the petitioner, dated 04.08.2016 and to remove the encroachment of the 4th respondent caused in the bund of the water body namely Kosagulam Kanmoi situates at Ward No.46 of Gandhipuram Extention K.Pudur, Madurai - 7.

For Petitioner	: Mr.C.M.Arumugam
For Respondents	: Mr.M.Murugan
(R1 and R3)	Govt.Advocate
For Respondent-2	: Mr.S.Shanmugaselvan

ORDER

(Order of this Court was made by M.SATHYANARAYANAN, J.)

By consent the Writ Petition is taken up for final disposal.

2. The petitioner claims that he is the resident of SRN Nagar 1st Street, Gandhipuram Extension, K.Pudur, Madurai-7, and it is located very near to water body (Kosakulam Kanmoi) of Ward No.46, within the jurisdiction of Corporation of Madurai.



3. According to the petitioner, there are 300 families are residing in the locality and the above said water body is getting water from Periyar Channel and though it got considerably decreased, however, it gets rain water from SRN Nagar, Annai Nagar, Ramalakshmi Nagar and Loordhu Nagar and as such, still continues as water body, serving the needs of the people residing in the nearby locality.

4. The petitioner would claim that the 4th respondent has put up a semi permanent structure on the bund of the water body thereby, committed an act of encroachment and affecting the water source and in this regard, the petitioner has submitted a representation, dated 04.08.2016, to the first respondent, who in turn, forwarded the same to the Executive Engineer (Planning), Madurai Corporation, Madurai, vide Complaint No.MA/16/09273, dated 11.08.2013. The Executive Engineer, Madurai Corporation, on receipt of the same, has addressed a letter to the Chief Engineer, Public Works Department, Water Resource Division, Madurai, to take appropriate action, vide communication dated 18.08.2016 and communicate the action taken to the petitioner. Despite the same, no response is forthcoming and hence, the petitioner came forward to file this Writ Petition.

5. Heard the submission of Mr.M.Murugan, the learned Government Advocate, who accepts notice on behalf of respondents 1 and 3, and Mr.S.Shanmugaselvan, the learned standing counsel appearing for the second respondent.

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the Chief Engineer, Public Works Department, Water Resource Division, Madurai - 2, to act on the communication of the Executive Engineer (Planning), Corporation of Madurai, dated 18.08.2016, and after putting the 4th respondent on notice, shall pass appropriate orders / take action, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the 4th respondent.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar(CS)

To

1.The District Collector,

<https://hcservices.madurai.gov.in/HCServices>



2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Chief Engineer,
Public Works Department,
Water Resource Division,
Madurai - 2.

+1cc to Mr.C.M.Arumugam, Advocate in SR.52792

+1cc to Mr.N.Shanmuga Selvan, Advocate in SR.52980

+1cc to the Special Government Pleader in SR.53160

W.P. (MD) No.17619 of 2016
16.09.2016

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PBK/SK-SKN 29.09.2016 ::3P-7C: