



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11367 of 2017

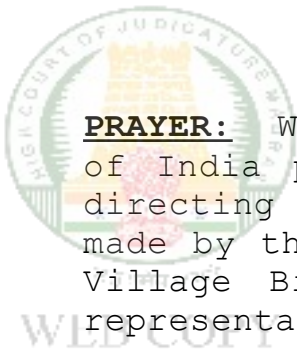
M.CN.Manickam

: Petitioner

.vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Public Works Department,
represented by its Chief Engineer
(Irrigation Section No.II),
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.
3. The Superintending Engineer,
Public Works Department, WRO,
Irrigation Sec.No.II,
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.
4. The Assistant Executive Engineer,
Public Works Department, WRO,
Irrigation Sec.No.II,
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.
5. The Assistant Engineer,
Public Works Department, WRO,
Irrigation Sec.No.II,
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.
6. The Tahsildar,
Madurai North Taluk,
Madurai.
7. Madurai Central Market Vegetable and Perishable
Commodities Merchant Coordinated Association,
represented by its President,
Madurai.

: Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents 1 to 6 to remove all the encroachments made by the 7th respondent in Oothukal Odai in S.No.114, Vilangudi Village Bit No.2, Madurai North Taluk, Madurai, based on the representation of the Petitioner dated 2.5.2017.

For Petitioner	: M/s.B.Prasanna Vinoth
For Respondents	: Mr.M.Munusamy
	for R1 to R6
For Respondent-7	: Mr.K.Govindarajan

O R D E R

[Order of the Court was made by **M.M.SUNDRESH, J.**]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 6 to remove all the encroachments made by the 7th respondent in Oothukal Odai in S.No.114, Vilangudi Village Bit No.2, Madurai North Taluk, Madurai, based on the representation of the Petitioner dated 2.5.2017.

2.When the matter is taken up for hearing, the learned counsel for the 7th respondent raised serious dispute over the locus-standi of the Petitioner to file this Writ Petition. According to the learned counsel for the 7th respondent, the Petitioner is a busy body having filed this Writ Petition only to extract money. The learned counsel also states that the Petitioner on an earlier occasion agreed to produce some evidence to that effect.

3.The learned counsel for the Petitioner would submit that he is the co-owner of the property belong to the 7th respondent. However, there is no material to substantiate the same. This Court has directed the Petitioner to produce the same. When the matter is taken up for hearing today, there is no material produced by him before this Court. Therefore we are not inclined to proceed further in this Writ Petition.

4.The learned Government Advocate appearing for the respondents 1 to 4 would submit that there indeed exists some encroachment as found by the Assistant Engineer, P.W.D. Department (Irrigation)/respondent No.5, We do not propose to say anything on that. If the respondent No.5 finds any encroachment, it is well open to the said authority to take appropriate action in accordance with law.

5.With the above observation, this Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar (RTI)

/True copy/



To

1. The District Collector,
Madurai District,
Madurai.

2. The Chief Engineer,
Public Works Department,
(Irrigation Section No.II),
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.

3. The Superintending Engineer,
Public Works Department, WRO,
Irrigation Sec.No.II,
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.

4. The Assistant Executive Engineer,
Public Works Department, WRO,
Irrigation Sec.No.II,
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.

5. The Assistant Engineer,
Public Works Department, WRO,
Irrigation Sec.No.II,
Periyar Vaigai Basin Sub-Division No.I,
Madurai - 625 002.

6. The Tahsildar,
Madurai North Taluk,
Madurai.

+ 1 CC TO MR.AN.Ramanathan, ADVOCATE IN SR No.79575
+ 1 CC TO MR.K.Govindarajan, ADVOCATE IN SR No.79926
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79871

vsn

MK/KK/SAR-1/3P/10C/21.09.2017

ORDER MADE IN
W.A. (MD) No.11367 of 2017
19.09.2017