



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.[MD].No.12191 of 2017

A.Ramasamy

: Petitioner

Vs.

1.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

2.The Executive Engineer,
Public Works Department (WRO),
Palani, Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue as Writ of Mandamus directing the respondents to take action for removing encroachments made in Salvate Odai in Survey Nos.97 & 98 at Boduvarpatti Village, Oddanchatram Taluk, Dindigul District within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Guru

Additional Government Pleader

ORDER

[Order of the Court was made T.S.SIVAGNANAM, J.]

Heard Mr.D.Venkatesh, learned counsel appearing for the petitioner and Mr.K.Guru, learned Additional Government Pleader appearing for the respondents.

2. The petitioner is before this Court by way of this Writ Petition, styled as Public Interest Litigation, and seeks for a direction to the respondents for taking action for removing the alleged encroachments in water channel.

3.The representation given by the petitioner to the first respondent was taken note of and after referring to G.O.Ms.540 Revenue Department dated 04.12.2014, the first respondent advised the second respondent vide communication dated 12.01.2017 to take appropriate action for removal of the



encroachment in the water channel. Further, the revenue authorities will cooperate for the removal of the encroachment. Copy of the said communication has been sent to the petitioner. Therefore, the petitioner submitted a representation dated 06.02.2017 to take further action. However, till date no action was initiated. Hence the petitioner is before this Court.

4. Since the encroachers having not been made as a party in the Writ Petition, we are not inclined to issue a positive direction as sought for by the petitioner. Since the representation has already been acted upon, we direct the second respondent to proceed further in furtherance of the communication of the first respondent dated 12.01.2017 and pass appropriate order on merits in accordance with law within period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

2. The Executive Engineer,
Public Works Department (WRO),
Palani, Dindigul District.

+1cc to M/S.D.VENKATESH, Advocate SR.No.62928

+1cc to Special Government Pleader, SR.No.63097

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MAS/JC/SAR4:05.07.2017:2P-5C

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30.06.2017