



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.16252 of 2017

K.Sundarraaj

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Executive Engineer,
Public Works Department,
Virudhunagar, Virudhunagar District.
- 3.The Executive Engineer,
WRO, Upper Vaiparu Basin Division,
Rajapalayam Town, Virudhunagar District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Rajapalayam Town,
Virudhunagar District.
- 5.The Tahsildar, Rajapalayam Taluk,
Rajapalayam Town,
Virudhunagar District.
- 6.The Block Development Officer,
Rajapalayam Panchayat Union,
Tenkasi Road, Rajapalayam Town,
Virudhunagar District.
- 7.Pandiyaraj
- 8.Ponraj
- 9.Vellaichamy
- 10.Jothi
- 11.Kattai Palanichamy
- 12.Ramasamy
- 13.Palraj
- 14.Arumugam
- 15.Panner
- 16.Pasumpon
- 17.Kutty
- 18.Rajuth thevar
- 19.Jeyaram



20.Jeyaraman
21.Muniyandi Thevar
22.Muthuraj

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 herein to remove the encroachment made by respondents 7 to 22 in Sangampatti Kanmai (Tank) situated in S.No.1255 and the Vaagaikulam Kanmai (Tank) situated in S.No.1120/1A of Mela Rajakularaman Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.M.Govindan,
Spl.Govt.Pleader for RR1 to 6

Mr.P.Athimoolapandian
for RR7 to 10

Mr.P.Velmurugan for R15

Mr.K.P.Narayanakumar for R18

No appearance for RR11, 12, 13,
14, 17, 20, 21, 22

R10 Died

O R D E R

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The writ petitioner seeks removal of the encroachments allegedly made by the private respondents herein.

2.The writ petitioner has already submitted a representation dated 03.07.2017 in this regard. He has also enclosed a copy of the "A" Register extract and the survey sketch. The issue relates to the encroachments in the water bodies.

3.We direct the fifth respondent to conduct survey of the water bodies in question. Survey shall be conducted after due notice to the concerned parties. Based on the survey results, the fourth respondent shall cause removal of the encroachments in question. The action to be taken by the fourth respondent would depend on the survey results of the fifth respondent. The fourth respondent shall of course follow the statutory procedure and comply with the principles of natural justice before removing the encroachments in question. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



4.This writ petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Executive Engineer,
Public Works Department, Virudhunagar, Virudhunagar District.

3.The Executive Engineer,
WRO, Upper Vaiparu Basin Division,
Rajapalayam Town, Virudhunagar District.

4.The Assistant Executive Engineer,
Public Works Department,
Rajapalayam Town, Virudhunagar District.

5.The Tahsildar, Rajapalayam Taluk,
Rajapalayam Town, Virudhunagar District.

6.The Block Development Officer,
Rajapalayam Panchayat Union, Tenkasi Road, Rajapalayam Town,
Virudhunagar District.

+1cc to Mr.M.THIRUNAVUKARASU, Advocate, SR.78513

+1cc to Mr.P.VELMURUGAN, Advocate, SR. 78688

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate, SR. 78932

+1cc to M/S.Special Government Pleader, SR. 79034

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SKM/ARUL

KK/MR KKR/SAR 1/13.10.2017/ 3P- 11C