



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.1705 of 2017
and
W.M.P(MD)No.1403 of 2017

Dr.G.Vishva Bharathi
rep. through his Power Agent
M.Murugan

.. Petitioner

Vs.

- 1.The Principal Secretary of Tamil Nadu Government,
Secretariat, Fort St. George,
Chennai.
- 2.Chief Superintendent Engineer,
PWD Department, Office of PWD,
Secretariat, Fort St. George, Chennai.
- 3.The District Collector,
Office of the District Collector, Madurai.
- 4.Tahsildar,
Madurai North Taluk, Madurai.
- 5.Executive Engineer,
PWD, Water Resource Division,
Periyar Vaigai Drainage Division,
Madurai - 2.
- 6.Assistant Engineer,
PWD, Water Resource Division,
Periyar Vaigai Drainage Division,
Madurai - 2.
- 7.Muthu Pillai
- 8.M.Loganathan



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 6 to take steps for removal of encroachment in Samayanallur odai Situate in S.No.117, Madurai North Taluk and restore the Samayanallur odai passing through from West to East direction to its original position after removal of encroachment made by respondents 7 to 9.

For Petitioner : Mr.K.Muraleedharan

For Respondents 1 to 6 : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 6 to remove encroachments which are in existence in Survey No.117, Madurai North Taluk, which has been classified as a channel, by way of issuing a writ of mandamus.

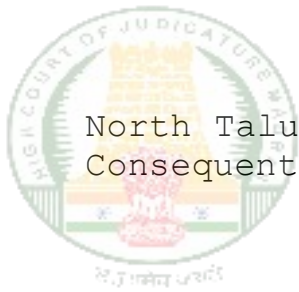
2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 6. Considering the nature of the relief sought in the writ petition and also considering the fact that the survey number mentioned in the petition is nothing, but a channel, which belongs to the Government, notice need not be sent to the remaining respondents.

3.The learned counsel appearing for the petitioner has reiterated the averments made in the writ petition.

4.The learned Special Government Pleader appearing for the respondents 1 to 6 has fairly conceded to the effect that the survey number mentioned in the petition has been classified as a P.W.D. channel. The further contention of the respondents 1 to 6 is that even the present petitioner has made certain encroachments in Survey No.117.

5.Considering the fact that Survey No.117 has been classified as P.W.D. channel, wherein so many encroachments are in existence, this Court is inclined to pass the following order.

<https://hcservices.ecourts.gov.in/hcservices>, this writ petition is allowed without costs and the respondents 4 to 6 are strictly directed to remove all encroachments which are in existence in Survey No.117, Madurai



North Taluk under due process of law within a period of one month. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary of Tamil Nadu Government,
Secretariat, Fort St. George,
Chennai.
2. The Chief Superintendent Engineer,
PWD Department, Office of PWD,
Secretariat, Fort St. George,
Chennai.
3. The District Collector,
Office of the District Collector,
Madurai.
4. The Tahsildar,
Madurai North Taluk,
Madurai.
5. The Executive Engineer,
PWD, Water Resource Division,
Periyar Vaigai Drainage Division,
Madurai - 2.
6. The Assistant Engineer,
PWD, Water Resource Division,
Periyar Vaigai Drainage Division,
Madurai - 2.

+1 cc to M/s.K.Muraleedharan, Advocate in SR.No.5465

+1 cc to The Special Government Pleader in SR.No.5682

ORDER MADE IN
W.P (MD) No.1705 of 2017
and W.M.P (MD) No.1403 of 2017
01.02.2017

smn

MAS/SKN-RSK/09.02.2017 :3P/9C