



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3840 of 2017

Arumugam

.. Petitioner

Vs.

1. Executive Engineer,
Public Works Department,
(Kallanai Canal Division)
Near Santhapillai Gate,
Thanjavur.
2. Assistant Executive Engineer,
Public Works Department,
Kallanai Canal Division-3,
Pattukottai & Taluk,
Thanjavur District.
3. Junior Engineer,
Public Works Department,
Edaiyathi Section Officer,
Edaiyathi
Orathanadu Taluk,
Thajavur.
4. Tahsildar,
Orathanadu Taluk,
Thajavur.
5. Jainullabuddin
6. Lathipa Beevi
7. Velan
8. Rasu
9. Lakshmi
- 10.Sakthivel

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 to 4 to remove the encroachments of respondents 5 to 10 in survey No.21 with an extent of 1.21.0 hectares, near the river bridge on the eastern bank of G.A.Canal at Thoppanayagam Village, Orathanadu Taluk, Thanjavur District.



For Petitioner : Mr.N.Balakrishnan
For RR - 1 to 4 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader
For RR - 5 to 10 : Mr.C.Bharathi
for Mr.D.R.Murugesan

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ORDER**(Order of the Court was made by K.K.SASIDHARAN, J.)**

The petitioner filed this Writ Petition to direct the respondents 1 to 4 to remove the encroachment caused by the respondents 5 to 10 in survey No.21, Thoppanayagam Village, Orathanadu Taluk, Thanjavur District.

2.The counter affidavit filed by the Executive Engineer, Public Works Department indicates the action taken for eviction of encroachment. The Executive Engineer, in paragraph No.9 indicated that the Department is taking effective steps to remove the encroachment.

3.In view of the said statement, no further order is necessary in this matter. We hope that the Executive Engineer would continue the process after giving notice to all the encroachers and giving them a reasonable opportunity to submit their case along with the documents if any.

4.The Writ Petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. Executive Engineer,
Public Works Department,
(Kallanai Canal Division)
Near Santhapillai Gate,
Thanjavur.
2. Assistant Executive Engineer,
Public Works Department,
Kallanai Canal Division-3,
Pattukottai & Taluk,
Thanjavur District.



3. Junior Engineer,
Public Works Department,
Edaiyathi Section Officer,
Edaiyathi, Orathanadu Taluk,
Thajavur.

4. Tahsildar,
Orathanadu Taluk,
Thajavur.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67616
+ 1 CC TO Mr.D.R.MURUGESAN, ADVOCATE IN SR No. 66867
+ 1 CC TO Mr.N.BALAKRISHNAN, ADVOCATE IN SR No. 67022

MJ

TE/JC/SAR-I : 31/07/2017 : 3P/8C

WP (MD) No.3840 of 2017
21.07.2017