



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.5606 of 2017

Murugesan

.. Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Melur Taluk, Madurai District.
- 3.The Assistant Engineer,
Public Works Department/
Water Irrigation Department,
Periyar Prime Channel Branch No.1,
Idayapatti, Madurai District.
- 4.V.Sivanandi
- 5.Perumal
- 6.Venugopal
- 7.Ganesan
- 8.Ayyapan
- 9.Thavasi

.. Respondents

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 and 2 to remove the encroachment made by the respondents 4 to 9 in Periyakanmoi irrigation channel comprised in Survey No.80, Ponjuthi Village, Melur Taluk, Madurai District by considering the petitioner's representation dated 28.11.2016.

For Petitioner

: Mr.T.Lenin Kumar

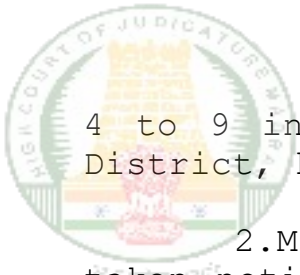
For Respondents 1 to 3

: 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 and 2 to remove encroachments alleged to have been made by the respondents



4 to 9 in Survey No.80, Ponjuthi Village, Melur Taluk, Madurai District, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition and also classification of Survey No.80, notice need not be sent to the remaining respondents.

3.It is seen from the records that Survey No.80 has been classified as a tank.

4.The main contention putforth on the side of the petitioner is that the respondents 4 to 9 have made certain encroachments in Survey No.80 and further on 28.11.2016, a representation has been given by the petitioner and the same has not been considered. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the respondents 2 and 3 are directed to take appropriate action to remove encroachments if any in Survey No.80, Ponjuthi Village, Melur Taluk, Madurai District, under due process of law within a period of two months.

Sd/-

Assistant Registrar(Protocol)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Melur Taluk, Madurai District.
- 3.The Assistant Engineer,
Public Works Department/
Water Irrigation Department,
Periyar Prime Channel Branch No.1,
Idayapatti, Madurai District.

+1cc to Mr.T.Leninkumar, Advocate, SR.19006

W.P (MD) No.5606 of 2017
03.04.2017

SMN