



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.5958 to 5961 of 2017

and

W.M.P. (MD) .Nos.4703, 4705, 4707, 4709 of 2017

and

W.M.P. (MD) .Nos.4702, 4704, 4706, 4708 of 2017

and

W.M.P (MD) .Nos.6660, 6659, 6662, 6661 of 2017

Muniyandi :Petitioner in W.P. (MD).No.5958 of 2017

D.Ramachandran :Petitioner in W.P. (MD).No.5959 of 2017

Shanmugam :Petitioner in W.P. (MD).No.5960 of 2017

Selvam :Petitioner in W.P. (MD).No.5961 of 2017

Vs.

1.The Tahsildar,
Tirupuvanam Taluk,
Sivagangai District.

2.The Assistant Executive Engineer,
Public Works Department,
Water Resources Wing,
Irrigation No.1,
Tirupuvanam,
Sivagangai District.

3.The District Collector,
Sivagangai District.

: Respondents in all Writ Petitions
(R3 is impleaded vide Court Order dated 25.04.2017 in
W.M.P (MD) .Nos.5609, 5565, 5608, 5566 of 2017)

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue Writs of Certiorari, calling the records relating to the proceedings of first respondent made in Na.Ka.A1/4220/2016, dated 18.08.2016 and the consequential proceedings of second respondent issued in Form III dated 26.10.2016



and quash the same.

For Petitioners

: Mr.N.Mohideen Basha

In all the Writ Petitions

For Respondents

: Mr.M.Govindan

In all the Writ Petitions

Special Government Pleader

C O M M O N O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

In these writ petitions, the proceedings of the first respondent in Na.Ka.A1/4220/2016, dated 18.08.2016 are under challenge.

2.It is seen from the records that the writ petitioners are in occupation of a kanmai comprised in Survey No.193/1, Vavirenthai Village, Thirupuvanam Taluk, Sivagangai District. The writ petitioners contended that they have been cultivating the encroached area for several years. Even though, the writ petitioners are engaged in agricultural activities, it is not possible to accede to the prayer made by the writ petitioners.

3.This Court has consistently held that encroachment of water bodies cannot be permitted. The respondents have rightly taken action for evicting the writ petitioners.

4.We, therefore, find no reason to interfere with the orders passed by the respondents. At this stage, the learned counsel for the petitioners submitted that the petitioners have planted crops and that sufficient time should be given for harvesting the same. We, therefore, direct the authorities to defer their actions to remove the encroachments till 31.12.2017. It is open to the petitioners / encroachers to complete their harvest and remove their articles. The authorities are directed to completely clear the encroachments in the Kanmai in Survey No.193/1, Vaivirenthai Village immediately thereafter.

5.These writ petitions are dismissed with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

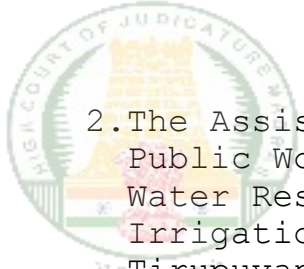
Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To:

1.The Tahsildar,
Tirupuvanam Taluk,
Sivagangai District.



2.The Assistant Executive Engineer,
Public Works Department,
Water Resources Wing,
Irrigation No.1,
Tirupuvanam,
Sivagangai District.

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3.The District Collector,
Sivagangai District.

+1cc to Mr.N.MOHIDEEN BASHA Advocate in SR. NO.68741
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68973
TSG/SKM
JS/GT/SAR.3/17.08.2017/ 3P-6C

Order made in
W.P. (MD) No.5958 to 5961 of 2017
dated: **27.07.2017**