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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.10.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.18299 of 2017

P.Arjunan ... Petitioner

-vs-

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Taluk Office, Ramanathapuram,
Ramanathapuram District.

4.The Assistant Executive Engineer,
Public Works Department,
Irrigation Division, Thiruvadanai,
Ramanathapuram District.

5.Devaraj,
S/o.Dhanivel,
Teacher,
De Brito Higher Secondary School,
Ramnagar, Devakottai,
Sivagangai District.

6.Mohamed Rahim Ali,
S/o. Peer Mohamed,
Pudhuvayal Village, Oriyur Post,
Thiruvadanai Taluk,
Ramanathapuram District.

7.Rev. Father,
St. Arulandhar Church,
Oriyur Village & Post,
Thiruvadanai Taluk,
Ramanathapuram District. ... Respondents

(Address of R5 and name of R6 amended vide order of this Court dated 30.10.2018 made in WMP(MD) No.4428 of 2018)

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PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1 to 4 Respondents to remove the encroachment constructing the buildings made by the Respondents 5 to 7 in the Government water body of irrigation tank comprised in Survey No.2 an extent of 66.35.0 Hectare (163.88 Acres), situated in Udayanatha Samuthram @ Puduvayal, Oriyur Post, Thiruvadanai Taluk, Ramanathapuram District, immediately based on the representation of the Petitioner dated 12.09.2017.

For Petitioner : Mr.R.Murugan
For Respondents 1 to 4 : Mr.K.Saravanan
Government Advocate
For Respondents 5 & 6 : Mr.S.M.Sanjay
For 7th Respondent : Sr.Amala for
M/s.Isaac Chambers

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This Writ Petition has been filed, seeking direction to the Respondents 1 to 4 to remove the encroachment made by the Respondents 5 to 7 in the Government water body of irrigation tank comprised in Survey No.2 an extent of 66.35.0 Hectare (163.88 Acres), situated in Udayanatha Samuthram @ Puduvayal, Oriyur Post, Thiruvadanai Taluk, Ramanathapuram District, immediately based on the representation of the Petitioner dated 12.09.2017.

2.On the allegation made by the petitioner, a reply was sent by the Assistant Engineer, PWD, WRO, Irrigation Section No.1, Thondi to the office of the Public Prosecutor stating that during the survey conducted in 2017 no encroachment was found and now a fresh survey will be conducted and if any encroachment is found the same will be removed.

3.Considering the above, we direct respondent No.4 to conduct fresh survey in the water body in Udayanatha Samuthram @ Puduvayal, Oriyur Post, Thiruvadanai Taluk, Ramanathapuram District and if any encroachment is found the same shall be removed after following due process of law. The above exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS-IV)

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To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Taluk Office, Ramanathapuram,
Ramanathapuram District.

4.The Assistant Executive Engineer,
Public Works Department,
Irrigation Division, Thiruvadanai,
Ramanathapuram District.

• 2 CC TO Mr.S.M.Sanjay, ADVOCATE IN SR No. 93346.
• + 1 CC TO M/s.Issac Chambers , IN SR No. 93530.
+1 cc to Special Government Pleader, SR.No.93391.

SJ
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W.P.(MD) No.18299 of 2017
30.10.2018

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