



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS. JUSTICE R.THARANI

W.P.(MD)No.19748 of 2018  
and W.M.P.(MD) No.17538 of 2018

S.Malayaveeran

: Petitioner  
Vs.

1. The District Collector,  
Madurai District  
Madurai.
2. The Superintending Engineer,  
Public Works Department,  
Tamilnadu Water Resources Organization,  
Penny Quick Campus,  
Tallakulam,  
Madurai- 02.
3. The Executive Engineer,  
Periyar Main Canal Division,  
Public Works Department  
Tamilnadu Water Resources Organization  
Melur Taluk,  
Madurai District.
4. The Tahsildar,  
Melur Taluk,  
Madurai District.
5. P.S.A.Asaithambi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachment made in survey number 516 situated in Therkutheru Revenue village, Melur Taluk, Madurai District by the 5<sup>th</sup> respondent and renovate the drain to the petitioner's land coming through the 10<sup>th</sup> Divisional - canal (Thiruvathavur Division canal) in "Periyar" Main canal which is destroyed and encroached by the 5<sup>th</sup> respondent on the basis of the petitioner's representation dated 30.07.2018, in the interest of justice.

For Petitioner  
For Respondents

: Ms.J.Bala Meenakshi  
: Mr.M.Jeyakumar for R1 to R4  
Additional Government Pleader



## ORDER

[Order of the Court was made by R.SUBBIAH, J]

This Writ Petition has been filed to direct the respondents 1 to 4 to remove the encroachment made in survey number 516 situated in Therkutheru Revenue village, Melur Taluk, Madurai District by the 5<sup>th</sup> respondent and renovate the drain to the petitioner's land coming through the 10<sup>th</sup> Divisional - canal (Thiruvathavur Division canal) in "Periyar" Main canal which is destroyed and encroached by the 5<sup>th</sup> respondent on the basis of the petitioner's representation dated 30.07.2018.

2. When the matter was taken up for consideration, the learned Additional Government Pleader submitted that now the official respondents proposed to issue Form I notice under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 and after issuing Form I notice, they will proceed further in accordance with the law by affording an opportunity of hearing to the fifth respondent as well as the petitioner.

3. In view of the above submissions, there is no need to pass any specific order. However, this Court directs the respondents 1 to 4 to expedite the action and complete the same, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, this petition is closed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,  
Madurai District, Madurai.
2. The Superintending Engineer,  
Public Works Department,  
Tamilnadu Water Resources Organization,  
Penny Quick Campus,  
Tallakulam, Madurai- 02.
3. The Executive Engineer,  
Periyar Main Canal Division,  
Public Works Department  
Tamilnadu Water Resources Organization  
Melur Taluk, Madurai District.



4. The Tahsildar,  
Melur Taluk,  
Madurai District.

+1cc to Mr.J.BALAMEENAKSHI, Advocate, SR.No.98048

+1cc to M/s.Special Government Pleader,SR.No. 97592

W.P.(MD)No.19748 of 2018  
and W.M.P.(MD) No.17538 of 2018  
Dated: 28.11.2018

RR

KK/PM/SAR-3/17.12.2018/3P-7C