



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.5011 of 2019

K.Mookammal

... Petitioner

-VS-

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Superintending Engineer,
Public Works Department (Irrigation Division),
Madurai District.

3.The Tahsildar,
Office of the Tahsildar,
Melur Taluk,
Madurai District.

4.The Block Development Officer (BDO),
Melavalavu Panchayat,
Madurai District.

5.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

6.Periya Thambi

7.Sethu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.1 and 2 to remove the encroachment by the Respondent Nos.4 and 5, around the bed shore of the Karuthapanaiyan Kanmoi under Periyar Irrigation Project, in Survey No.289/1285 which is situated in Melavalavu, Melur Taluk, Madurai District by considering the representation submitted by the petitioner on 05.10.2018 and



10.10.2018 in accordance with law within the time stipulated by this Hon'ble Court.

For Petitioner

: Mr.R.Alagumani

For Respondents 1 to 3 & 5

: Mr.A.K.Baskarapandian
Special Government Pleader

For 4th Respondent

: Ms.V.P.M.Vaishnavi
Government Advocate

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Alagumani, learned counsel appearing for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 3 and 5 and Ms.V.P.M.Vaishnavi, learned Government Advocate appearing for the fourth respondent.

2.By way of this Writ Petition, the petitioner seeks for issuance of a Writ of Mandamus, directing the Respondent No.1 and 2 to remove the encroachment made by the Respondent Nos.4 and 5, around the bed shore of the Karuthapanaiyan Kanmoi under Periyar Irrigation Project, in Survey No.289/1285 which is situated in Melavalavu, Melur Taluk, Madurai District by considering the representations submitted by the petitioner on 05.10.2018 and 10.10.2018 in accordance with law within a time frame.

3.By consent on either side, this Writ Petition itself is taken up for final disposal. In view of the order we propose to pass in this writ petition, notice to the respondents 6 and 7 is dispensed with.

4.Earlier when the matter came before this Court on 28.08.2019, the Court found that there is no supporting material to show that the land in question was classified as Kanmoi. The learned counsel appearing for the petitioner has produced certain documents in the form of typed set of papers, of which, one document may have some relevance, which is Adangal Extract, which states that the land in S.No.289, which measures 7.285 Acres is classified as Karuthappanaiyan Kulam.

5.In the light of the above allegations, we direct the 4th respondent to look into the grievance expressed by the petitioner and conduct spot inspection and if there is any encroachment, action shall be initiated in accordance with law after issuing notice to the encroacher.



6.The Writ Petition stands disposed of with the above directions. No costs.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

sj

To

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Superintending Engineer,
Public Works Department (Irrigation Division),
Madurai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Melur Taluk,
Madurai District.
- 4.The Block Development Officer (BDO),
Melavalavu Panchayat,
Madurai District.
- 5.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

+1 CC to M/s.GP (SR-89405[F] dated 25/09/2019)

W.P. (MD) No.5011 of 2019

24.09.2019

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