



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 28.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 18644 OF 2019

AND

W.M.P. (MD) NOS. 15009 & 15010 OF 2019

K.Bharathimohan

.. Petitioner

- Vs -

1. The District Collector
District Collector Office
Trichy, Trichy District.
2. The Superintendent of Police
O/o District Superintendent of Police
Trichy, Trichy District.
3. The Tahsildar
Lalgudi, Trichy District.
4. Assistant Executive Engineer
River Preservation Division
Public Works Department
Lalgudi, Trichy District.

5. Muthukumar

6. Saratha Unnikrishnan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 1, 3 and 4 to remove any encroachments made by the 6th respondent in the passage of the channel in Survey No.110/6 and 109/98 and monitor the completion of entire restoration work in Krishnapuram Dam canal, a branch canal of Ayyan Canal flowing across Paramasivapuram in Lalgudi, Trichy District.

For Petitioner : Mr. S.Lenin Prabu

For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.

For RR-1 to 4

Mr. R.Sundar for R-6

**ORDER****(Order of the Court was made by M.Sathyanarayanan, J.)**

The petitioner claims to be a public interest litigant and according to him, the 6th respondent has caused an encroachment right on the passage of the channel in survey Nos.110/6 and 109/8 which is going through Lalgudi - Paramasivapuram and the representation submitted in this regard has failed to evoke any kind of respondent and, hence, came forward to file this petition.

2. Learned counsel appearing for the petitioner has drawn the attention of this Court to the communication of the 3rd respondent dated 17.7.19 in Na.Ka. A6/0006/2019 addressed to the 4th respondent, wherein it has been stated that in connection with the representation submitted by the Lalgudi People Welfare Trust dated 15.7.19, in the presence of the Taluk Surveyor, survey of land in survey Nos.110/6 and 109/8 was done and survey stones have also been put up and the 4th respondent was asked to take appropriate action for removal of the encroachment and in the light of the said communication, there cannot be any impediment on the part of the concerned respondents to take appropriate action for removal of encroachment and, hence, prays for appropriate orders.

3. Mr. A.K.Baskarapandian, learned Special Government Pleader accepts notice for respondents 1 to 4. Mr.Sundar, learned counsel, accepts notice for the 6th respondent and submits that the present writ petition is nothing but a private interest litigation and the 6th respondent had purchased the land adjacent to the canal through a sale deed of the year 2006 and in order to protect the same, he has put up a compound wall well within the boundaries and, therefore, prays for dismissal of the writ petition.

4. This Court has carefully considered the rival submissions and also perused the materials available in the typed set of documents.

5. In the facts and circumstances of the case, the 4th respondent, in the light of the communication dated 17.7.19, of the 3rd respondent in Na.Ka. A6/0006/2019 is directed to take appropriate action in accordance with law, after putting on notice the persons concerned, including the 6th respondent and, if required, shall afford them an opportunity of personal hearing and if any encroachment is noted, shall remove the same in accordance with law and the said exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order and the decision taken in this regard shall be



communicated to the petitioner, the 6th respondent as well as to the persons concerned.

6. This writ petition is disposed of accordingly. Consequently connected miscellaneous petitions are closed. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector
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2. The Superintendent of Police
O/o District Superintendent of Police
Trichy, Trichy District.
3. The Tahsildar
Lalgudi, Trichy District.
4. Assistant Executive Engineer
River Preservation Division
Public Works Department
Lalgudi, Trichy District.

+1 CC to M/s.R. SUNDAR, Advocate (SR-83744[F] dated 28/08/2019)

+1 CC to M/s.S. LENIN PRABU, Advocate (SR-83867[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-84622[F] dated 30/08/2019)

gln

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