



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2019

CORAM:

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

W.P. (MD) No.18823 of 2019
and W.M.P. (MD) No.15157 of 2019

Balakrishnan

... Petitioner

-VS-

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Thasildar,
Thiruvadanai Taluk,
Ramanathapuram.
- 3.Dhanasekaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate steps to remove the encroachment made by the 3rd respondent in the water body called 'Korai Oorani (Korai Kuttam)' in Pullur Village S.No.120/1 and further direct the respondents 1 and 2 to stop the illegal activity of the 3rd respondent by fetching water from the 'Korai Oorani (Korai Kuttam)' in an illegal manner.

For Petitioner : Mr.S.Sukumar

For Respondents 1 & 2 : Mr.C.Angappan
Government Advocate

For 3rd Respondent : No appearance

O R D E R

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

Heard Mr.S.Sukumar, learned counsel appearing for the petitioner and Mr.C.Angappan, learned Government Advocate appearing for the respondents 1 and 2. Though the third respondent has been served and his name has been printed in the cause list, he neither



appeared in person nor through a counsel.

2.By consent on either side, this Writ Petition itself is taken up for final disposal.

3.The petitioner has filed this Writ Petition seeking to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate steps to remove the encroachment made by the 3rd respondent in the water body called 'Korai Oorani (Korai Kuttam)' in Pullur Village S.No.120/1 and further direct the respondents 1 and 2 to stop the illegal activity of the 3rd respondent by fetching water from the 'Korai Oorani (Korai Kuttam)' in an illegal manner.

4.The learned Government Advocate produced before us a copy of the communication sent by the Tahsildar, Thiruvadanai addressed to the petitioner stating that there is no encroachment in S.No.120/1, Pullur Village, Thiruvadanai Taluk.

5.It is not clear as to how such a finding has been given. Hence, liberty is granted to the petitioner to approach the first respondent District Collector with a representation along with supporting documents stating that how the said survey number has been encroached and how the Tahsildar is wrong in stating that the said survey has not been encroached. If any such representation is made, the same shall be considered by the first respondent and an order shall be passed on merits and in accordance with law.

6.The Writ Petition stands disposed of with the above direction. Consequently, connected Writ Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Thasildar,
Thiruvadanai Taluk,
Ramanathapuram.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-93927[F] dated 23/10/2019)

+1 CC to M/s.GP (SR-94069[F] dated 23/10/2019)

sj

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22.10.2019

KK/SAR/08.11.2019/3P-5C/