



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM:

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

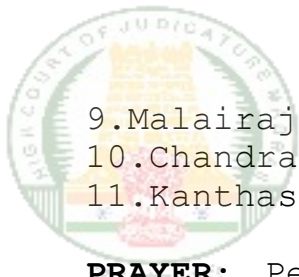
W.P. (MD) No.19232 of 2019

Ramaiayan

... Petitioner

-vs-

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Deputy Superintendent of Police,
Thiruchuli Sub Division,
Virudhunagar District.
- 4.The Tahsildar,
Aruppukottai,
Virudhunagar District.
- 5.The Tahsildar,
Thiruchuli,
Virudhunagar District.
- 6.The Head Surveyor,
Taluk Office,
Thiruchuli,
Virudhunagar District.
- 7.The Block Development Officer,
Thiruchuli,
Virudhunagar District.
- 8.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhungar District.



9.Malairajan
10.Chandrasekar
11.Kanthasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the respondents 9 to 11 at the Vandipathai Road, which being the part and parcel of the irrigation Pannikundu Kanmai (reservoir/tank).

For Petitioner : Mr.T.Lajapathi Roy
for M/s.A.Balaji

For Respondents 1 to 8 : Mr.Angappan
Government Advocate

O R D E R

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

Heard Mr.T.Lajapathi Roy, learned counsel appearing for Mr.A.Balaji, learned counsel for the petitioner and Mr.Angappan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 8.

2.In the light of the order we propose to pass in this Writ Petition, notice to respondents 9 to 11 is dispensed with.

3.With the consent of either side, the Writ Petition itself is taken up for final disposal.

4.The petitioner claiming to be public spirited person approached the respondent authorities for reclamation of water bodies by de-silting and successful at one such time pursuant to the permission granted by the second respondent vide order dated 05.07.2019. It is further stated that de-silting process has been successfully completed, but the petitioner's concern is with regard to the encroachment, which has been recently made on the banks of the Pannikundu Kanmai and in this regard representations have been made to the authorities and inspite of the same, no action has been taken and hence, the petitioner has rushed to this Court.

5.The learned Government Advocate appearing for the respondents 1 to 8 on instructions from the 8th respondent Sub-Inspector of Police, Thiruchuli Police Station, Virudhunagar District, would submit that the respondents 9 to 11 were summoned and they appeared in person before the Police and undertook to remove the encroachment.



6. Since the encroachment has been admitted by respondents 9 to 11, no notice is required to be issued. Further, we dispense with notice to respondents 9 to 11.

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7. In view of the above, we direct the respondents 4 and 5 viz., the Tahsildar, Aruppukottai, Virudhunagar District and the Tahsildar, Thiruchuli, Virudhunagar District to grant 3 days time to the respondents 9 to 11 to remove the encroachment, failing which, they shall remove the encroachment, for which, necessary police protection should be granted by the 8th respondent, if required.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

sj

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Deputy Superintendent of Police,
Thiruchuli Sub Division,
Virudhunagar District.
4. The Tahsildar,
Aruppukottai,
Virudhunagar District.
5. The Tahsildar,
Thiruchuli,
Virudhunagar District.



6.The Head Surveyor,
Taluk Office,
Thiruchuli,
Virudhunagar District.

7.The Block Development Officer,
Thiruchuli,
Virudhunagar District.

8.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhungar District.

+1 CC to M/s.A. BALAJI, Advocate (SR-85111[F] dated 04/09/2019)

+1 CC to M/s.SPL GP (SR-85643[F] dated 06/09/2019)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-85951[F] dated
09/09/2019)

W.P. (MD) No.19232 of 2019
04.09.2019

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