



WEB COPY

W.P(MD)No.19901 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.19901 of 2019

and

W.M.P. (MD)Nos.16401 and 16402 of 2019

S.Varadharajan

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Anna Malaikai, Madurai-2.

3.The Executive Director,
Tamil Nadu Road Infrastructure Development Corporation,
No.735, LLA Building, 4th Floor, Anna Salai,
Chennai-02.

4.The Assistant Engineer,
Public Works Department,
Periyar River Basin Division,
Benny Quik Complex,
Thallakulam, Madurai.

5.S.Karmegam

6.Babar Shah Bai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to initiate legal action based on the representation of the petitioner dated 25.02.2019 and 13.03.2019 to remove all the encroachments made in water channel runs in Survey Nos.150/4 and also made in Survey No.149 of Uthangudi Village, in Madurai East Taluk, Madurai District by adopting due process of law and to restore the same fee from all kinds of encroachments within a time limit that may be fixed by this Court.

For Petitioner : Mr.C.M.Arumugam

For R1 to R3 : Mr.A.K.Basakara Pandian
Special Government Pleader



ORDER

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

Heard Mr.C.M.Arumugam, learned counsel for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, for the official respondents. By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner is before this Court alleging that there is an encroachment in the water channel. The complaint is that while forming a ring road, a water channel has been obliterated and this was brought to the notice of the third respondent, namely the Executive Director of Tamil Nadu Road Infrastructure Development Corporation. But, no action has been taken. Apart from that, it is stated that there is an encroachment by the fifth and sixth respondents in the road margin, for which action should be taken by the Public Works Department and Revenue Department. Representations in this regard have been submitted.

3. As we are disposing of this writ petition, without notice to the respondents 5 and 6, we do not propose to issue any positive direction. However, if there is any water channel, the same should not be obliterated. It is not a matter whether water flows or not, but the water channel should be preserved as such. The encroachment of a road margin, especially in a ring road, will be a traffic hazard and hindrance to the travelling public. If there is any such encroachment on the road margin, then the Commissioner of the Madurai Corporation has to take appropriate action. The respondents 2 to 4 shall take note of the above observations and take appropriate action on the grievance expressed by the petitioner. If they come to the conclusion that the respondents 5 and 6 have encroached the road margin, notice to be issued to them giving atleast 30 days time to relocate, failing which encroachment shall be removed. The above said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

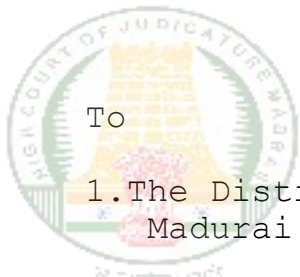
Sd/-

Assistant Registrar (Cs-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
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Anna Malaikai, Madurai-2.

3.The Executive Director,
Tamil Nadu Road Infrastructure Development Corporation,
No.735, LLA Building, 4th Floor, Anna Salai,
Chennai-02.

+1 CC to SPL GP SR-87541.

+1 CC to M/s.C.ARUMUGAM, Advocate SR-87866.

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CS (16.10.2019) 3P 6C