



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.20367 of 2019

S.M.Raja

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam,
Theni District.

3.The Executive Engineer,
PWD, WRO,
Manjalar Basin,
Periyakulam,
Theni District.

4.The Correspondent,
Hindu Primary and High Secondary School,
Sakkampatti,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action to remove the encroachments made by the fourth respondent in survey No.2189 of Sakkampatti, Aandipatti Taluk, Theni District there is an odai (Canal) to the extent of 0.67 Ares (1 Acre 65 Cents) on the basis of the petitioner representation dated 25.7.2019.

For Petitioner : Mr.K.Gokul

For Respondents 1 to 3 : Mr.S.Angappan, Govt. Advocate

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.K.Gokul, learned counsel appearing for the petitioner
and Mr.S.Angappan, learned Government Advocate appearing for the
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respondents 1 to 3.

2.The petitioner filed this writ petition praying for a direction upon the respondents to take appropriate action to remove the encroachments made by the fourth respondent in survey No.2189 of Sakkampatti, Aandipatti Taluk, Theni District as there is an odai (Canal) to the extent of 0.67 Ares (1 Acre 65 Cents) on the basis of his representation dated 25.07.2019.

3.According to the petitioner, the fourth respondent School has encroached the canal and free flow of water is blocked. The representation is pending for consideration before the authorities.

4.The learned Government Advocate accepts notice for the respondents 1 to 3 submits that the area falls within the jurisdiction of Andipatti Town Panchayat and we find that the said Town Panchayat is not a party in this writ petition. Since the representation has been received by the second respondent, we direct the second respondent to forward the representation to the Andipatti Town Panchayat for conducting an inspection of the area and take appropriate action in accordance with law. The above directions shall be complied with, within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of with the above directions. No Costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn/sji

To

- 1.The District Collector,
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam,
Theni District.
- 3.The Executive Engineer,
PWD, WRO,
Manjalar Basin,
Periyakulam,
Theni District.

+1cc to M/s.Special Government Pleader,SR.No. 89029

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KK/SAR/04.10.2019/2P-5C/

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