



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

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

W.P. (MD) No.20979 of 2018

Maya Thevar

... Petitioner

-vs-

- 1.The District Collector,
Dindigul District,
Dindigul Collectorate,
Dindigul.
- 2.The Tashildar,
Attur Taluk,
Attur Taluk Office, Attur,
Dindigul District.
- 3.The Executive Engineer,
Public Works Department, WRD,
Nanganjiar Basion Division,
PWD Compound, Palani,
Dindigul District.
- 4.Pavoonammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider the Petitioner's representation dated 23.07.2018 to remove the encroachment in the canal in S.Nos.45 and 60 of Keelakottai Village, Dindigul District and restore the same.

For Petitioner : Mr.D.Selvaraj

For Respondents 1 to 3 : Mr.A.Muthukaruppan
Additional Government Pleader

For 4th Respondent : Mr.M.Sivakumar

O R D E R

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

Heard Mr.D.Selvaraj, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.M.Siva Kumar, learned counsel appearing for the fourth respondent.



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

3.The petitioner has filed this Writ Petition alleging that the 4th respondent has made encroachments in the water channel in S.Nos.45 and 60 of Keelakottai Village.

4.The learned counsel appearing for the 4th respondent has submitted that the 4th respondent has not made encroachments in the channel and even going by the photographs produced by the petitioner, it is seen that the area is full of thorny bushes and the allegation of the petitioner is false.

5.Keeping aside the allegations made by the petitioner and the stand taken by the 4th respondent, we are of the view that if there is any encroachment in the water channel, it is the duty of the third respondent to ensure that the water channel is protected and there should be no encroachment. Therefore, we direct the third respondent to conduct inspection of the entire area within two weeks from the date of receipt of a copy of this order and if any encroachment is found, immediately action shall be initiated for removing the encroachments by following the due procedures.

6.The Writ Petition is disposed of with the above observations.
No costs.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
Dindigul District,
Dindigul Collectorate,
Dindigul.
- 2.The Tashildar,
Attur Taluk,
Attur Taluk Office, Attur,
Dindigul District.
- 3.The Executive Engineer,
Public Works Department, WRD,
Nanganjar Bason Division,
PWD Compound, Palani,
Dindigul District.



+1 CC to M/s.M.SIVAKUMAR, Advocate (SR-86421[F] dated 12/09/2019)

+1 CC to M/s.GP (SR-86573[F] dated 13/09/2019)

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-86779[F] dated 16/09/2019)

W.P. (MD) No.20979 of 2018
12.09.2019

sj

JM/01.10.2019/3P/7C