



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

W.P. (MD) No.8538 of 2020

Arunkumar

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai District.

2.The Thasildar,
Madurai East Taluk,
Madurai.

3.The Executive Officer,
Periyar Basin Circle,
Melur,
Madurai District.

4.K.Kannan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents No.1 to 3 to remove the encroachment made by the 4th respondent in Kalungu area (outlet) of Illangiyendal Irrigation Tank of Illangiyendal Village, Madurai East Taluk, Madurai District based on the petitioner's representation dated 26.05.2020.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents 1 to 3 : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

In view of the order going to be passed in this Writ Petition, notice to the fourth respondent is dispensed with.



2.The Writ Petition, styled as a Public Interest Litigation, is filed by a resident of Illangiyendal Village, Madurai East Taluk, Madurai District and according to him Illangiyendal Tank/Water Body is situate in S.F.No.31, Illangiyendal Village and it is the main irrigation source of agriculture as well as for the nearby residents and it is being maintained by the third respondent. The petitioner would further state that the water body as well as its waterways are under encroachment and in this regard representation dated 26.05.2020 was made to the concerned officials of the respondents and inspite of receipt and acknowledgment of the same, no action whatsoever is taken and therefore, the petitioner is constrained to approach this Court with this Writ Petition.

3.The learned counsel for the petitioner would submit that in a portion of the water body in S.F.No.31, there exists a Vazhavanthan Amman Temple and taxes are being collected to renovate the said temple and in the light of the encroachment made in the waterways, the official respondents are under the statutory obligations to take appropriate action to remove the same and prays for appropriate directions.

4.Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the Tahsildar has caused an inspection and in the land admeasuring an extent of 00.00.96 Ares in S.F. No.31 of Illangiyendal Village, Madurai East Taluk, Madurai District, Vazhavanthan Amman Temple is in existence and since it is upon the water body Form-I notice was issued in terms of clause (e) of sub-Rule (1) of Rule (2) of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007. Since appropriate action has been taken, the petitioner, as of now, may not have any grievance and prays for dismissal of the Writ Petition.

5.This Court considered the rival submissions and perused the materials placed on record.

6.In the light of identification of the encroachment in the form of a temple in S.F.No.31, which is classified as water body, by the third respondent, no further orders is necessary in this Writ Petition. However, the third respondent is directed to take further action in accordance with law by adhering the principles of natural justice and remove the encroachment as expeditiously as possible and not later than 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the temple authorities.



7.The Writ Petition stands disposed of accordingly. However, in the circumstances of the case, there shall be no orders as to the costs.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

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AP(13/08/2020) 3P 4C