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W.P.(MD)No.8991 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.8991 of 2020

Kumaravadivel

... Petitioner

Vs.

1.The Principal Secretary to Government,
Secretariat, St.George Fort,
Chennai.

2.The District Collector,
Tenkasi District,
Tenkasi.

3.The Revenue Divisional Officer,
Sankarankovil Division,
Tenkasi District.

4.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

5.The Executive Engineer,
Public Works Department,
(Water & Irrigation),
Sankarankovil,
Tenkasi District.

6.The Block Development Officer,
Block Development Office,
Sankarankovil,
Tenkasi District.

7.The Village Administrative Officer,
Panaiyur,
Sankarankovil Taluk,
Tenkasi District.

8.The Panchayat Secretary,
Panaiyur Village,
Tenkasi District.

9.Madasamy



10.Munipandi

11.Sivanthikumar

12.Sivakumar Pandian

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 8 to remove the encroachment made by the respondents 9 to 12 on Oorani comprised in S.No.702/2 at Venkatachalapuram, Sankarankovil Taluk, Tenkasi District by demolishing the illegal under construction and further retrieve the water body and restore to it original shape on the basis of the petitioner's representation dated 10.03.2020.

For Petitioner : Mr.T.Indrachithu
For Respondents : Mr.R.Murugan
Additional Government Pleader
for R.1 to R.5 and R.7

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

The Writ Petition styled as a Public Interest Litigation is filed by a resident of Venkatachalapuram, Sankarankovil Taluk, Tenkasi District.

2. According to the learned Counsel appearing for the petitioner, there exists a water body classified as "Oorani" comprised in Survey No.702/2 of Venkatachalapuram and the said water body is put to public use ie., for drinking water purpose and agricultural operations. The learned Counsel appearing for the petitioner would submit that the private respondents are making attempts to encroach upon the said water body and in this regard, representations dated 20.01.2020 and 11.03.2020 have also been sent to the concerned officials, despite receipt and acknowledgement, no action has been taken to prevent the said illegalities and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Mr.R.Murugan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 5 and 7.

4. This Court considered the arguments advanced by the learned Counsel appearing for the petitioner and also perused the materials placed before this Court.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim as projected by the petitioner



either in his representations or in this writ petition, directs the respondents 4 to 6, to cause joint inspection of the alleged water body comprised in Survey No.702/2 of Venkatachalapuram, Sankarankovil Taluk, Tenkasi District, after putting private respondents or any other concerned persons on notice and depending upon the result of the inspection, shall take immediate and appropriate action in accordance with law and also by adhering to the principles of natural justice. The said exercise is to be carried out within a period of ten weeks from the date of receipt of a copy of this order. The result of the decision taken shall also be informed to the petitioner, the private respondents and other persons concerned if any.

6. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (ADII)

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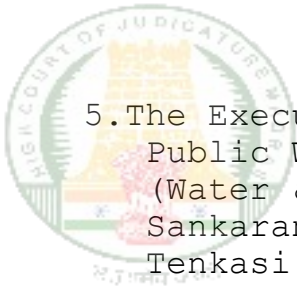
Sub Assistant Registrar(CS)

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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

- 1.The Principal Secretary to Government,
Secretariat, St.George Fort,
Chennai.
- 2.The District Collector,
Tenkasi District,
Tenkasi.
- 3.The Revenue Divisional Officer,
Sankarankovil Division,
Tenkasi District.
- 4.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.



5.The Executive Engineer,
Public Works Department,
(Water & Irrigation),
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6.The Village Administrative Officer,
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KB(20.08.2020) 4P 7C