



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

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THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.10525 of 2020
(Through Video conferencing)

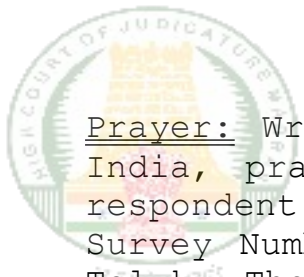
K.Daniel

...Petitioner

-Vs-

- 1.The State Represented
By its Secretary
Government of Tamil Nadu
Public Works Department
St. George Fort
Chennai.
- 2.The District Collector
Collectorate
Korampallam
Thoothukudi District.
- 3.The Executive Engineer
Water Resource Department
Public Works Department
Srivaikundam
Thoothukudi District.
- 4.The District Revenue Officer
Collectorate
Korampallam
Thoothukudi District.
- 5.The Tahsildar
Sathankulam Taluk
Thoothukudi District.
- 6.Robin @ Robinson
- 7.Gnanasekar

...Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to remove the encroachments in the Government lands at Survey Numbers:133 and 237 at Sasthavinallur Village, Sathankulam Taluk, Thoothukudi District and regulate the flow of Karunjirai Channel leading to Udapirappu Tank on the basis of the petitioner's representation dated 22.06.2020.

For Petitioner : Mr.B.N.Raja Mohamed
For Respondents : Mr.R.Murugan
Addl. Govt. Pleader for R1 to R5

ORDER

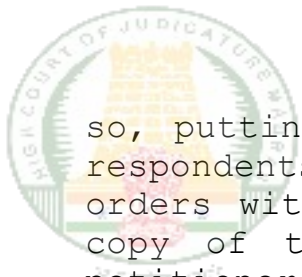
[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]

The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon any public land or the land belonging to the local body or the water body.

2. The primordial submission of the learned counsel appearing for the petitioner is that in Sasthavinallur Village, Sathankulam Taluk, Thoothukudi District, there is a small water course running through the Survey No.237 and that apart, the lands in other Survey Nos.153, 133, 236/1 and 236/2 also under encroachment at the biggest of the private respondents and in this regard, a detailed representation dated 22.06.2020 had been submitted to the Official respondents and despite receipt and acknowledgment, no action has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. Mr.R.Murugan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5, on instructions would submit that on survey and inspection, there appears to be some encroachment of the lands in Survey Nos.153, 133, 236/1 and 236/2 of the said village and appropriate action will be taken to remove the encroachment in accordance with law.

4. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 3 and 5 to cause joint inspection of the lands in Survey Nos.153, 133, 236/1 and 236/2 at Sasthavinallur Village, Sathankulam Taluk, Thoothukudi District, with the help and aid of the relevant revenue records and depending upon the result of the inspection, if any encroachment or obstruction is caused, shall take immediate, necessary and appropriate action to cause removal of the same and before doing



so, putting the concerned persons on notice including the private respondents and other persons concerned and pass appropriate orders within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, private respondents and other persons concerned, if any.

This Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

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 Secretary
Government of Tamil Nadu
Public Works Department
St. George Fort
Chennai.
- 2.The District Collector
Collectorate
Korampallam
Thoothukudi District.
- 3.The Executive Engineer
Water Resource Department
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- 4.The District Revenue Officer
Collectorate, Korampallam
Thoothukudi District.



5.The Tahsildar
Sathankulam Taluk
Thoothukudi District.

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Order made in
W.P. (MD) No.10525 of 2020
31.08.2020

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SCR(CO)
TR(08.09.2020) 4P 6C