



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.11852 of 2020

WEB COPY

M.J.Jayapal

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2. The Tahsildar,
Theni Taluk, Theni.

3. The Commissioner,
Theni Allinagaram Municipality,
Theni.

4. The Block Development Officer,
Block Development Office, Theni District.

5. Ramya

6. Ramraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove encroachments in the channel situated nearby survey No.182/1 and restore the same to its original position for the free flow of water from valkaradu situated at Survey No.185 drawn up to Thamaraikulam Kanmai Allinagaram, Theni nearby Theni New Bus Stand based on the representation dated 10.07.2020.

For Petitioner : Mr.P.Sivachandran

For Respondents : Mr.R.Murugan,
Additional Govt. Pleader
for R1 to R2
Mrs.Lakshmi Prasanna,
Govt. Advocate for R4
Mr.K.Hema Karthikeyan for R3

O R D E R

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

This writ petition styled as a Public Interest Litigation, <https://hcservices.scdetel.gov.in/hcservices/> is filed by a resident of K.R.R.Nagar, Theni and according to him,



there is a waterway which starts from Allinagaram village in Survey No.181/1 and runs through Survey Nos.185 and 183 and reaches Tamaraikulam, which is a water body and there are encroachments in the said waterway. The petitioner, in this regard, submitted a representation, dated 10.07.2020, to the official respondents and despite receipt and acknowledgement, no orders have been passed so far and therefore, the petitioner is constrained to approach this Court by way of filing this writ petition.

2. Mr.R.Murugan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2, Mrs.Lakshmi Prasanna, learned Government Advocate, accepts notice on behalf of the fourth respondent and Mr.K.Hema Karthikeyan, learned Counsel accepts notice on behalf of the third respondent.

3. Though the Writ petitioner prays for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into merits of the claim projected by the petitioner either in his representation dated 10.07.2020, or in this Writ petition, directs the respondents 1 and 2, to cause joint inspection of the land in Survey Nos.181/1, 185 and 183 of Allinagaram Village, as well as the water body namely Tamaraikulam with the assistance of the Revenue record/"A" Register/Village Accounts and if the result of the inspection reveals any violation/infracton in the form of any encroachment or obstruction on the waterways/water course as well as water body, put the concerned persons including the respondents 4 and 5, on notice and shall take immediate and appropriate action in accordance with law within a stipulated time frame by also adhering to the principles of natural justice. The respondents 1 and 2 are directed to complete the entire exercise within a period of 10 (Ten) 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 respondents 4 and 5 and other persons/encroachers concerned.

4. The **Writ petition stands disposed of** with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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 District Collector,
Theni District, Theni.
2. The Tahsildar,
Theni Taluk, Theni.
3. The Commissioner,
Theni Allinagaram Municipality,
Theni.
4. The Block Development Officer,
Block Development Office, Theni District.

+1 CC to SGP (SR-17250,17262[F] dated 17/09/2020)

+1 CC to Mr.K. HEMAKARTHIKEYAN, Advocate (SR-17220[F] dated 17/09/2020)

W.P. (MD)No.11852 of 2020

16.09.2020

AVS (CO)

KM (24.09.2020) 3P 7C