



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.17850 of 2020

WEB COPY

N.Sudalai,
Founder of Indian Seva Trust,
Registration No.14/2019,
O/o.No.43-A, North Mada Street,
Thiruchendur - 628 215,
Thoothukudi District.

: Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Chief Secretary,
Public Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The State of Tamilnadu,
Rep. by Secretary,
Publics Works Department,
Fort. St. George,
Secretariat, Chennai - 600 009.

3.The Chief Engineer,
Public Works Department,
Water Resources Organization,
Ezhilagam, Chennai - 600 009.

4.The District Collector,
Thoothukudi District,
Thoothukudi.

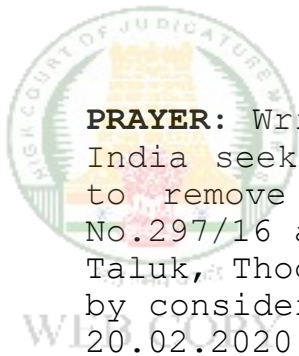
5.The Revenue Divisional Officer,
Thiruchendur Division,
Thoothukudi District.

6.The Tahsildar,
Tiruchendur Taluk Office,
Thoothukudi District.

7.The Executive Officer,
Thiruchendur Special Grade Town Panchayat,
No.44, Palai Road,
Tiruchendur

: Respondents

(7th Respondent is suo motu impleaded as
respondent vide court order dated 07.12.2020)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the Respondents 4 to 6 to remove the encroachments made in Channel situated in Survey No.297/16 at Thiruchendur Special Grade Town Panchayat, Thiruchendur Taluk, Thoothukudi District from Aavudaiyarkulam to Jeevanagar Beach by considering the Petitioner's representations dated 19.08.2019 and 20.02.2020 within a stipulated period as framed by this Hon'ble Court.

For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The grievance of the petitioner is that Channel situated in Survey No.297/16 at Thiruchendur Special Grade Town Panchayat, Thiruchendur Taluk, Thoothukudi District, from Aavudaiyarkulam to Jeevanagar Beach has been encroached and therefore, the petitioner has given representations, dated 19.08.2019 and 10.02.2020, and since no action has been taken, the petitioner has come before this Court with this Writ Petition.

2.By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents would submit that the authorities have inspected the properties and filed a status report, wherein it is stated that the width of the Channel is 75 feet and it is being encroached by the private parties.

4.Paragraph 3 of the status report filed by the Tahsildar, Tiruchendur, reads as follows:

"3.It is true that the width of the channel is 75 feet is correct. But, the allegation that only 20 feet width is in existence is false. Even now there is 46 feet width of channel is in existence. It is true that the petitioner has given petition to the 5th respondent but, the allegation that the 6th respondent has not taken any action is false. There is no stagnant water as alleged in the petition. The water is regularly flowing to the sea in fact the channel is used for discharge of water from the



Aavudaiyar kulam only at the time of rainy season water from Aavudaiyar kulam flows through this channel in other periods only drainage water from houses flow through this channel."

5. Since the Executive Officer, Thiruchendur Special Grade Town Panchayat, No.44, Palai Road, Tiruchendur, is a proper and necessary party, he is *suo motu* impleaded as 7th respondent. Registry is directed to carry out necessary amendments in the cause title. Mr.K.Mu.Muthu, learned Additional Government Pleader takes notice for the newly impleaded 7th respondent.

6. Since action has already been taken based on the representations of the petitioner, dated 19.08.2019 and 10.02.2020, and an inspection has been made and encroachments have been identified, the respondents are directed to take action to remove the encroachments after following due process of law within two weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

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/ /2020

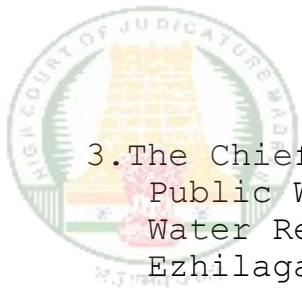
Sub Assistant Registrar(CS)

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

1. The State of Tamilnadu,
Rep. by the Chief Secretary,
Public Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The State of Tamilnadu,
Rep. by Secretary,
Public Works Department,
Fort. St. George,
Secretariat, Chennai - 600 009.



3.The Chief Engineer,
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Thiruchendur Special Grade Town Panchayat,
No.44, Palai Road,
Tiruchendur.

+1 CC to Spl GP (SR-24371[F] dated 08/12/2020)

W.P. (MD) No.17850 of 2020
07.12.2020

VB (29.12.2020) 4P 9C