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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15180 of 2021

Mayavi

... Petitioner

Vs

1. The District Collector,
Namakkal, Namakkal District.
2. The District Revenue Officer,
Collectorate, Namakkal.
3. The Revenue Divisional Officer,
Thiruchengode Taluk
Namakkal District.
4. The Executive Engineer,
Public Works Department
(Water Resource Department),
Sarabanga Irrigation Division,
Salem.
5. The Assistant Executive Engineer
Public Works Department
(Water Resource Department),
Sarabanga Irrigation Sub - Division,
Rasipuram, Namakkal District.
6. The Assistant Engineer,
Public Works Department
(Water Resource Department),
Irrigation Wing No.1,
Thiruchengode, Namakkal District.
7. The Thasildar,
Thiruchengode Taluk,
Thiruchengode, Namakkal District.



8. The Revenue Inspector,
Malla Samudram,
Thiruchengode Taluk,
Namakkal District.

.. Respondents

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Prayer:- Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove all encroachments in and around Mallasamudram Big Lake situated at Mallasamudram Keelmugam Village, Thiruchengode Taluk, Namakkal District.

For Petitioner : Mr.A.Sriram

For Respondents : Mr.S.J.Mohammed Sathik
Counsel for the State

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of encroachments in and around Mallasamudram Big Lake at Mallasamudram Keelmugam Village, Thiruchengode Taluk, Namakkal District.

2. The petitioner states that he is a resident of Mallasamudram Village. It is stated that Mallasamudram Big Lake extends to about 400 acres, and is the principal source of water for farmers in and around Mallasamudram Village. The petitioner alleges that persons living in the vicinity of Mallasamudram Big Lake have encroached on to the lake and constructed houses thereon. The farmers and general public of the said Village had therefore approached the official respondents and requested them to remove such encroachments, but no action has been taken in spite of such representation.

3. Mr.S.J.Mohammed Sathik, learned counsel for the State, accepts notice on behalf of all the respondents and states that the seventh respondent - Tahsildar, Thiruchengode Taluk would consider and dispose of the petitioner's representation.

4. Accordingly, without going into the merits of the matter, the seventh respondent is directed to consider the representation dated 29.12.2020 of the petitioner and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and others affected by such order. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. In the event it is concluded that there are encroachments on



Mallasamudram Big Lake, the seventh respondent is directed to initiate appropriate action in accordance with law.

5. W.P.No.15180 of 2021 is disposed of on these terms.
There will be no order as to costs.

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Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The District Collector,
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Thiruchengode,
Namakkal District.



8. The Revenue Inspector,
Malla Samudram,
Thiruchengode Taluk,
Namakkal District.

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+1cc to Mr.A.Sriram, Advocate, S.R.No.35219
+1cc to the Government Pleader, S.R.No.35301

W.P.NO.15180 OF 2021

VSNII (CO)
PBS (27/07/2021)