



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.1250 of 2020

WEB COPY

K.Kalyani Sundaram ... Petitioner

Vs

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Executive Engineer,
Sitaraaru Division,
Tenkasi.

3. U.Arasan ... Respondents

R3 impleaded vide order dated 30.07.2021 in W.M.P(MD).No.2051 of 2020 in W.P(MD).No.1250 of 2020.

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to survey the 'Periya Kulam' Pond situated in Veerasigamani Village, Tenkasi District and thereby remove the encroachments made by private persons by considering the petitioner's representation dated 23.12.2019.

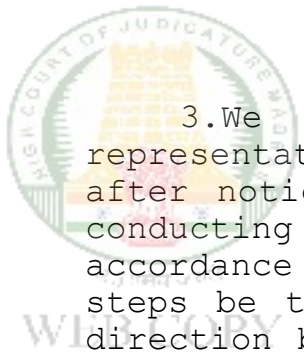
For Petitioner : Mr.K.Prabhu
For Respondents 1 & 2 : Mr.R.Baskaran
Standing Counsel for Government
For 3rd Respondent : Mr.K.Prabhu

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This writ petition has been filed praying for a direction upon the official respondents to consider the petitioner's representation and remove the encroachments.

2.It appears that during February, 2021, a survey has been conducted and the petitioner would state that the encroachments have also been earmarked but no action has been taken.



3.We direct the petitioner to submit a fresh detailed representation to the second respondent, who shall consider the same after notice to the petitioner and the third respondent and after conducting an enquiry, pass a reasoned order on merits and in accordance with law. If it is found that there is any encroachment, steps be taken to remove the encroachments at the earliest. This direction be complied with within a period of eight [8] weeks from the date of receipt of a copy of this order.

4.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

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,
Tenkasi District,
Tenkasi.
2. The Executive Engineer,
Sitraaru Division,
Tenkasi.

+1 CC to M/s.K.JEYAMOHAN (PRABHU), Advocate (SR-24882[F] dated 02/08/2021)

+1 CC to M/s.SPL GP (SR-24962[F] dated 02/08/2021)

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GC (18/08/2021) 2P 5C