



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM :

WEB COPY

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P(MD).No. 5357 of 2021

K. Govindaraju

... Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Superintending Engineer,
Public Works Department,
Water Resources Organization,
Upper Vaippar Basin Circle.
Virudhunagar District,
Virudhunagar.
3. The Executive Engineer,
Public Works Department,
Water Resource Organization,
Vaippar Basin Circle,
Rajapalayam,
Virudhunagar District.
4. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
5. The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Writ of Mandamus or any other appropriate writ or direction, directing the 3rd respondent herein to remove the encroachments in Survey Nos.530, 1043, 1053 (2) in Vellaikal Odai and Survey Numbers 955, 948, 946, 577, 615, 672, 682 and 713 in Naiparai Odai within the stipulated period.

For Petitioner

: Mr.M. Jothi Basu



For respondents

: Mr.R. Baskaran,
Standing Counsel for Government

ORDER

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

This writ petition had been filed by the petitioner seeking direction to the 3rd respondent to remove the encroachments in Survey Nos.530, 1043, 1053 (2) in Vellaikal Odai and Survey Nos. 955, 948, 946, 577, 615, 672, 682 and 713 in Naiparai Odai.

2. We have heard Mr.M. Jothi Basu, learned counsel appearing for the petitioner and Mr.R. Baskaran, learned Standing Counsel for Government appearing for the respondents.

3. A representation given by the petitioner for removal of the encroachment has been forwarded to the 3rd respondent, by proceedings, dated 08.1.2021 in கடித எண்.வப/இவகு-1/3அ/கோ-25/2020. It appears that no action has been initiated, thereafter and the matter is pending, probably, because of the pandemic situation, the authorities are unable to act. In any event, if there is any encroachment in a water channel or water body, top priority should be given by the authorities to remove the encroachments. However, before doing so, notice has to be given to the encroachers and after following the proper procedures, the encroachment has to be removed.

4. Therefore, with these observations, we direct the 3rd respondent to consider the petitioner's representation, which has been forwarded to the office of the 3rd respondent on 08.1.2021, take action for removal of encroachment by following the appropriate procedures and appropriate law, within a period of three months from the date of receipt of a copy of the order. No costs.

Sd/-

Assistant Registrar (AE)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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5. The Tahsildar,
Srivilliputtur Taluk,
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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-18988[F] dated 08/06/2021

W.P(MD) .No. 5357 of 2021
07.06.2021

KB(18.06.2021) 3P 7C