



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.8852 of 2021

and

WMP (MD) .Nos.6656 and 6658 of 2021

S.Yogarajan

...Petitioner

Vs

- 1.The Assistant Engineer, Public Works Department,
Periyar Main Canal Section,
Chittampatti Sub Division,
Madurai District.
- 2.The Tahsildar, Madurai East Taluk,
Madurai District.
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 4.The Block Development Officer,
Madurai East Union, Madurai District.
- 5.Arun Kumar

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for the entire records pertaining to the notice issued by the first respondent vide his letter No.Nfh-1/2021/c.ngh/rpl;lk;gl;lp dated 21.04.2021 and quash the same.

For Petitioner

: Mr.R.Anand

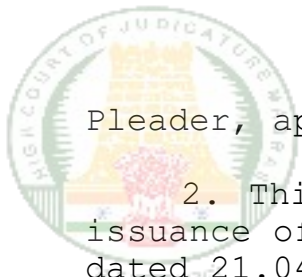
For respondents

: Mr.K.Mu.Muthu
Additional Government Pleader
for R1 to R4

ORDER

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

We have heard Mr.R.Anand, learned Counsel appearing for the writ petitioner and Mr.K.Mu.Muthu, learned Additional Government



Pleader, appearing for the respondents 1 to 4.

2. This writ petition has been filed by the petitioner for an issuance of Writ of Certiorari, to quash the impugned communication, dated 21.04.2021.

WEB COPY

3. It is pointed out by Mr.K.Mu.Muthu, learned Additional Government Pleader, appearing for the official respondents that one K.Kannan sought for similar relief, who is also Trustee of the Temple as that of the petitioner and the writ petition has been dismissed by order dated 29.01.2021 and directions have been issued to remove the encroachment. The operative portion of the said order reads as follows:

"4. In such view of the matter, we do not find any merit in this petition. Accordingly, the writ petition is dismissed. The respondents 1 and 2 are directed to remove all the encroachments including the new temple situated in Ilangiyanendal Kanmoi. After removing the aforesaid encroachments except the old temple by name Vazhavandhan Temple, the respondents will have to make sure that the water body is maintained. Accordingly, adequate proposals will have to be sent to the higher authorities to maintain the area as a water body facilitating the needs of the local public. The encroachments will have to be removed within a period of eight weeks from the date of receipt of a copy of this order. Insofar as the other encroachments including the respondent No.3, the respondents 1 and 2 will have to follow the procedure before passing appropriate final orders. We further make it clear that our order would also include the nearby public toilet, as there is no difference between a public toilet and a private person when it comes to unauthorized use of water body, after all we are concerned with the larger public interest. No costs. Consequently connected Miscellaneous Petition is closed."

4. Earlier, another person, namely, Arun Kumar had filed writ petition to remove the encroachment in W.P(MD).No.8538 of 2020, which was disposed of by order dated 03.08.2020, directing the official respondents to take action for removal of encroachment in accordance with law.

5. The learned Additional Government Pleader further submitted that as against the order passed in W.P(MD).No.12301 of 2020, the said K.Kannan has filed Special Leave Petition, which is yet to be numbered. Another Review Application filed by K.Kannan in Rev.App.No.29 of 2020, was also dismissed. For similar relief, repeated writ petitions cannot be entertained and in the earlier order, there is sufficient protection granted to the so called



encroachers, where, notice have been directed to be issued and therefore, we are not required to issue separate directions at the instance of the petitioner.

6. Hence, no relief can be granted to the writ petitioner and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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.

To:

- 1.The Assistant Engineer, Public Works Department,
Periyar Main Canal Section, Chittampatti Sub Division,
Madurai District.
- 2.The Tahsildar, Madurai East Taluk,
Madurai District.
- 3.The Inspector of Police, Othakadai Police Station,
Madurai District.
- 4.The Block Development Officer, Madurai East Union,
Madurai District.

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-18112[F] dated 30/04/2021)

+1 CC to M/s.SPL GP (SR-18257[F] dated 30/04/2021)

W.P. (MD) No.8852 of 2021

29.04.2021

RP (17.05.2021) P 7C