



WEB COPY

W.P.(MD) No.7999 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.7999 of 2020

and W.M.P. (MD) Nos.7438 and 7440 of 2020

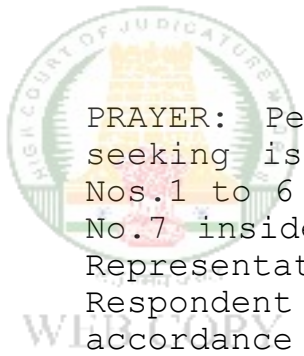
Kondappan

... Petitioner

Vs

- 1.The State of Tamil Nadu represented by
The Principal Secretary,
Department of Public Works,
St. Fort George, Chennai - 600 009.
- 2.The District Collector,
Office of the District Collector,
Dindigul District, Dindigul.
- 3.The Superintending Engineer,
TANGEDCO, Meenakshi Nayakkanpatti Post,
Dindigul District.
- 4.The Thasildar,
Office of the Thasildar,
Vedasandur Taluk,
Dindigul District.
- 5.The Block Development Officer,
Office of the Block Development Officer,
Vedasandur Taluk, Dindigul District.
- 6.The President,
Nagampatti Panchayat,
Vedasandur Taluk,
Dindigul District.
- 7.The Manager,
The Cheran Spinning Mills Private Ltd.,
Dindigul - Karur National Highways Road,
Vedasandur, Dindigul District.
- 8.The Manager,
GRPL, Kodangipatty,
Kodangipatty Post, Ottanchathiram Taluk,
Dindigul District.

... Respondents



PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the Respondent Nos.1 to 6 to remove the illegal encroachment made by the Respondent No.7 inside the Karumalai Stream on the basis of the Petitioner's Representation dated 21.05.2020 and the Communication sent by the Respondent No.5 in Na.Ka.No.1752/2019/Aa6, dated 26.05.2020 in accordance with law within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.A.K.Manickam
Standing Counsel for
Government For R1, R2, R4
Mr.A.Muthukaruppan For R5
R.S.Pandiyaraj For R6
M/s.A.L.Ganthimathi for R8

O R D E R

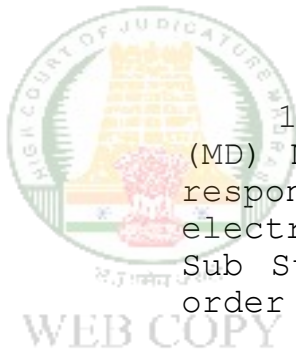
[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.G.Anto Prince, learned counsel for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1, 2, and 4 and Mr.R.S.Pandiyaraj, learned Standing Counsel for respondent No.6. and Mr.A.Muthukaruppan learned Counsel for Respondent 5 and M/s A.L.Gandhimathi learned Counsel for Respondent 8.

2.This Writ Petition has been filed seeking for a direction upon respondent Nos.1 to 6 to remove the illegal encroachment made by Respondent No.7 inside the Karumalai Stream on the basis of the Petitioner's Representation dated 21.05.2020 and the Communication sent by the Respondent No.5 in Na.Ka.No.1752/2019/Aa6, dated 26.05.2020.

3.In the counter affidavit filed by the Block Development Officer, it has been stated as follows:

"As per the direction of this Hon'ble Court the District Collector issued a proceeding on 13.03.2020 to the 5th respondent to take necessary action to remove the encroachments made in water bodies, stream and channels. Further, on 02.06.2020 the Assistant Director (Village Panchayat) issued a memo on 02.06.2020 to take necessary action on the representation dated 21.02.2020 and 26.05.2020. The 5th respondent sent the letter to the 6th respondent President, Village Panchayat for the necessary action. Since the property vested with Panchayat.



11. It is submitted that one V.Sakthivel filed W.P. (MD) No.7175 of 2020 seeking Mandamus directing the first respondent to take necessary steps on safety measure on the electric poles laid from Kunnampatty Village to TANGEDCO Sub Station, Vedasanthur, Dindigul District and passed on order on 17.07.2020."

4.It appears, the representation given by the petitioner is under active consideration. Therefore, the Writ Petition stands disposed of leaving it open to the authorities to proceed further in accordance with law, after issuing notice to the parties concerned. This direction shall be complied with within three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

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 Principal Secretary,
Department of Public Works,
State of Tamil Nadu,
St. Fort George, Chennai - 600 009
- 2.The District Collector,
Office of the District Collector,
Dindigul District, Dindigul.
- 3.The Superintending Engineer,
TANGEDCO, Meenakshi Nayakkanpatti Post,
Dindigul District.
- 4.The Thasildar,
Office of the Thasildar,
Vedasandur Taluk,
Dindigul District.



5.The Block Development Officer,
Office of the Block Development Officer,
Vedasandur Taluk, Dindigul District.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-24124[F] dated 28/07/2021)

+1 CC to M/s.R.RAJASELVAN, Advocate (SR-24277[F] dated 29/07/2021)

W.P. (MD) No.7999 of 2020

27.07.2021

RK (17.08.2021) 4P 8C