



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

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

W.P. (MD)No.10296 of 2021

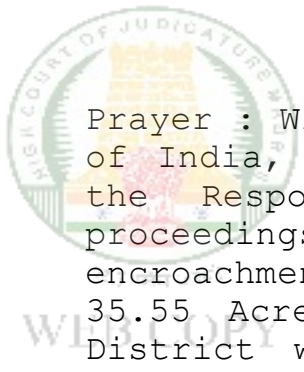
A.Nallakaruppan

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Pudukottai,
Pudukottai District.
- 2.The Thasildar,
Taluk Office,
Thirumayam Taluk,
Pudukottai District.
- 3.The Village Administrative Officer,
Thekkattur Village Panchayat,
Thekkattur,
Thirumayam Taluk,
Pudukottai District.
- 4.The Executive Engineer,
Public Work Department (P.W.D.),
South Vellar Basin Sub Division,
Pudukkottai,
Pudukottai District.
- 5.The Assistant Engineer,
Public Work Department (P.W.D.),
Water Irrigation Section, Arimalam,
Arimalam,
Pudukottai District.
- 6.Vellaichamy
- 7.Pitchaimuthu
- 8.Nagappan
- 9.Pandiyan

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents No.1 to 5 to initiate appropriate legal proceedings against the Respondents No.6 to 9 and to remove the encroachments made in Keela Themuthupatti Kanmai with an extent of 35.55 Acres which is situated at Thirumayam Taluk, Pudukottai District within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents 1 to 5 : Mr.R.Baskaran
Standing Counsel for Government

ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The petitioner seeks for a direction to Respondents No.1 to 5 to initiate appropriate legal proceedings against Respondents No.6 to 9 and to remove the encroachments made in Keela Themuthupatti Kanmai with an extent of 35.55 Acres, which is situated at Thirumayam Taluk, Pudukottai District within a time frame.

2.In the light of the direction, we propose to issue in this Writ Petition, notice to respondent Nos.6 to 9 is dispensed with.

3.Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel for the Government appearing for respondent Nos.1 to 5.

4.It is submitted that encroachments have been made by planting coconut saplings and construction of car shed etc.

5.Since we are passing orders without notice to the private respondents, who are alleged to be the encroachers, we are not issuing any positive direction to the official respondents. However, the official respondents are directed to look into the allegations made by the petitioner and verify whether any encroachment has been made in the water body. For this purpose, we direct inspection to be conducted by respondent Nos.2 and 4, after issuing notice to the respondent Nos.6 to 9 and the writ petitioner, and appropriate further action shall be taken in accordance with law. This direction may be complied with within a period of eight weeks from the date of receipt of a copy of this order.



6.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

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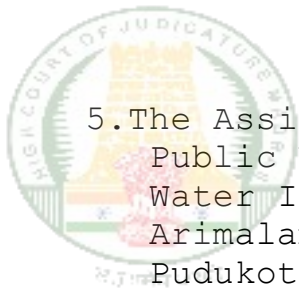
Sub Assistant Registrar (CS)

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 District Collector,
Collector Office,
Pudukottai,
Pudukottai District.
- 2.The Thasildar,
Taluk Office,
Thirumayam Taluk,
Pudukottai District.
- 3.The Village Administrative Officer,
Thekkattur Village Panchayat,
Thekkattur,
Thirumayam Taluk,
Pudukottai District.
- 4.The Executive Engineer,
Public Work Department (P.W.D.),
South Vellar Basin Sub Division,
Pudukkottai,
Pudukottai District.



5.The Assistant Engineer,
Public Work Department (P.W.D.),
Water Irrigation Section, Arimalam,
Arimalam,
Pudukottai District.

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+1 CC to MR.R.KARUNANIDHI, Advocate (SR-19883[F] dated 22/06/2021
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W.P. (MD)No.10296 of 2021
21.06.2021

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KM(30.06.2021) 4P 7C