



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10599 of 2021

and

W.M.P. (MD) No.8258 of 2021

Alagusundaresa Perumal

... Petitioner

-vs-

1.The District Collector
Madurai District

2.The Thasildar
Melur Taluk
Madurai District

3.The Superintending Engineer
Public Work Department (WRO)
Periyar Vaigai Basin Circle
Madurai Division
Madurai District

4.The Assistant Engineer
Public Work Department (WRO)
Melur Sub Division
Madurai District

5.Thavamani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Maarani Kanmai situated at A.Vallalapatti in S.No.358 and 361 A.Vallalapatti Village Melur Taluk Maurai District.

For Petitioner : Mr.Gunaseelanmuthiah.J.

For Respondents : Mr.R.Baskaran
Standing Counsel for Government
for R1 to R3



O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the private respondent has encroached into a waterbody near Madai (Kalungu) at Survey Nos.361 and 358 in Maranikanmai.

WEB COPY

2. The petitioner complains that despite bringing such fact to the notice of the official respondents, including making a written representation, no action has been taken.

3. Without going into the merits of the petitioner's complaint as to the perceived encroachment, the petitioner is permitted to carry a fresh representation to the second respondent Thasildar of Melur Taluk within four weeks from date. Upon receipt of such representation, the Thasildar will conduct an inquiry by affording the private respondent an opportunity of hearing. If any encroachment is found on any revenue land or waterbody, immediate appropriate steps have to be taken for removal thereof in accordance with law.

4. This order is passed without notice to the private respondent since any action that may be taken will be only upon issuing notice to the private respondent and affording the private respondent an opportunity of hearing.

5. W.P.(MD) No.10599 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.(MD) No.8258 of 2021 is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

KRK

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:

1.The District Collector,
Madurai District.

2.The Thasildar,
Melur Taluk,
Madurai District.

3.The Superintending Engineer,
Public Work Department (WRO),
Periyar Vaigai Basin Circle,
Madurai Division,
Madurai District.

+1 CC to MR.J.GUNSEELA MUTHIAH, Advocate (SR-20279[F] dated
25/06/2021)

+1 CC to SPL GP (SR-20433[F] dated 28/06/2021)

W.P. (MD) No.10599 of 2021
and
W.M.P. (MD) No.8258 of 2021
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KM(02.07.2021) 3P 6C