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W.P.(MD) No.14473 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.(MD) No.14473 of 2021

and

W.M.P.(MD) No.14135 of 2021

Murugesan

.. Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk Office,
Pudukkottai District.

3. The Assistant Executive Engineer,
Public Works Department (PWD),
Thirumayam Post,
Pudukkottai District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents herein to forthwith remove the encroachments made on the Thekkatur Periya Kanmoi comprised in S.No.362/3 of Thekattur Revenue Village, Thiruvanaai, Pudukkottai District on the basis of the representation dated 22.06.2021 sent by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.B.Saravanan,
Government Advocate

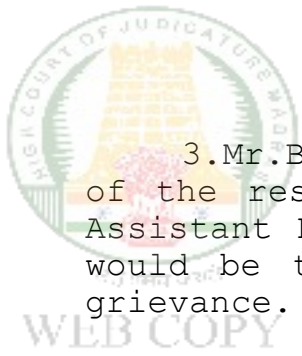
ORDER

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

The grievance of the petitioner is that a waterbody by the name of Thekkatur Periya Kanmoi in S.No.362/3 of Thekattur Village, Thiruvanaai, Pudukkottai District has been encroached on and repeated representations to the respondent authorities have fallen on deaf ears.

2.It has been emphasized in several orders of this Court that waterbodies must be left without any encroachment or impediment.

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



3.Mr.B.Saravanan, learned government advocate appears on behalf of the respondent Nos.1 to 3 and says that the third respondent-Assistant Executive Engineer of Public Works Department, Thirumayam would be the appropriate authority to look into the petitioner's grievance.

4.Accordingly, W.P.(MD).No.14473 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of to the third respondent-Assistant Executive Engineer, Public Works Department, Thirumavam. Upon receiving the representation, the concerned official will immediately conduct an inquiry by issuing notice to the petitioner and all others likely to be affected by the inquiry. In the event the official finds any encroachment, immediate appropriate steps should be taken for the removal thereof, including by referring the matter to the appropriate authorities.

5.The encroachers, if any, must be given prior notice before steps are taken against them in accordance with law.

6.W.M.P(MD).No.14135 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM/PJL

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,
Office of the District Collector,
Pudukkottai District.
- 2.The Tahsildar,
Thirumavam Taluk Office,
Pudukkottai District.



3. The Assistant Executive Engineer,
Public Works Department (PWD),
Thirumavam Post,
Pudukkottai District.

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+1 CC to M/s.SPL.GP (SR-30471[F] dated 28/09/2021)

W.P. (MD) No.14473 of 2021
27.09.2021

RK (05.10.2021) 3P 5C