



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE  
AND  
The HON'BLE MR.JUSTICE M.DURAI SWAMY**

W.P.(MD) No. 14913 of 2021

R. Shanmugasundharam

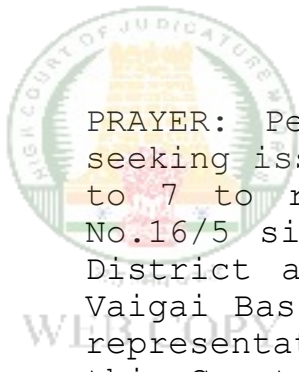
... Petitioner

Vs

1. The District Collector,  
Madurai - 02.
2. The Superintending Engineer (WRO),  
Public Works Department,  
Periyar - Vaigai Basin Circle,  
Northchithrai Street,  
Madurai -01.
3. The Executive Engineer (WRO),  
Public Works Department,  
Periyar-Vaigai Basin Division,  
Penny Cuick Campus,  
Thallakulam,  
Madurai - 02.
4. The Divisional Engineer,  
Highways Department,  
Alagar Kovil Salai,  
Near Thamarai Thotti,  
Madurai - 02.
5. The Tahsildar,  
Madurai North,  
Madurai - 02.
6. The Commissioner of Corporation,  
Madurai Corporation,  
Madurai - 02.
7. The Commissioner of Police,  
Madurai City,  
Alagar Kovil Road,  
Madurai - 02.

8. M. Premkumar.  
<https://hcservices.ecourts.gov.in/hcservices/>

...Respondents



PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 7 to remove the encroachments made in Water Canal in Survey No.16/5 situated at Aanaiyur Bit- 1, Madurai North Taluk, Madurai District and repair the Water Canal to draw water from Periyaru-Vaigai Basin for public utilisation by considering the petitioner's representation dated 10.06.2021 within the period as stipulated by this Court.

For Petitioner : Mr. R. Venkatesan  
For Respondents : Mr. P. Thilak Kumar  
Government Advocate,  
for R1 to R5  
Mr. S. Murali  
for R6

**ORDER**

**[Order of the Court was made by The HON'BLE MR.JUSTICE M.DURAISWAMY)**

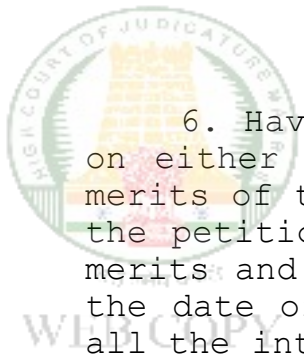
The petitioner has filed this petition as a public interest litigation for the issuance of a Writ of Mandamus directing respondents 1 to 7 to remove the encroachment made in Water Canal laid in Survey No.16/5 situated at Aanaiyur Bit- 1, Madurai North Taluk, Madurai District and repair the Water Canal to draw water from Periyaru-Vaigai Basin for public utilisation by considering the petitioner's representation dated 10.06.2021 within the time frame.

2. It is the case of the petitioner that the 8th respondent has encroached the waterbodies situated in the said place.

3. Mr. R. Venkatesan, learned counsel for the petitioner submitted that the petitioner has given a representation dated 10.06.2021 to the authorities to remove the encroachment. However, the authorities have not taken any steps to remove the encroachment so far.

4. Mr.Thilak Kumar, Senior Government counsel appearing for respondents 1 to 5 submitted that the third respondent is the appropriate authority to act on the representation given by the petitioner.

5. Mr. R. Murali, learned counsel for the sixth respondent submitted that the 6<sup>th</sup> respondent has no role to play in the representation given by the petitioner and that the third respondent is the competent authority to consider and dispose of the representation of the petitioner.



6. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the matter, we direct the third respondent to consider the petitioner's representation dated 10.06.2021 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order after giving notice to all the interested parties.

7. With these observations, the writ petition is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

mnr

*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,  
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Highways Department,  
Alagar Kovil Salai,  
Near Thamarai Thotti,  
Madurai - 02.



5. The Tahsildar,  
Madurai North,  
Madurai - 02.

6. The Commissioner of Corporation,  
Madurai Corporation,  
Madurai - 02.

7. The Commissioner of Police,  
Madurai City,  
Alagar Kovil Road,  
Madurai - 02.

+1 CC to M/s.R.MURALI, Advocate ( SR-27026[F] dated 24/08/2021 )

+1 CC to M/s.GP ( SR-27054[F] dated 24/08/2021 )

**W.P. (MD) No. 14913 of 2021**  
**23.08.2021**

MGJ(01.09.2021) 4P 10C