



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

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W.P. (MD)No.15142 of 2020

and

W.M.P. (MD)No.12752 of 2020

P.Joseph

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.

3.The Taluk Land Surveyor,
Taluk Office,
Karambakudi,
Pudukkottai District.

4.The Department of Water Resources,
Public Works Department,
Water Resources Office,
Pudukkottai.

5.D.Juli @ Jeyajuli ... Respondents
[5th respondent is impleaded vide order dated 16.03.2021,
made in W.M.P.(MD)No.2696 of 2021 in W.P.(MD)No.
15142 of 2020]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 herein from forming road upon the channel comprised in Survey Nos.29, 32, 39, 49, 52 and 54, situated in Panthuvakkottai, Karambakudi Taluk, Pudukkottai District.

For Petitioner : Mr.P.Santhoshkumar

For R1 to R4 : Mrs.J.Padmavathi Devi
Special Government Pleader

For R5 : Mr.B.Jameel Arasu

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ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner and respondent No.5 make allegations against each other to the effect that the road is sought to be laid over a water body.

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2.The learned Special Government Pleader appearing for respondent Nos.1 to 4 submitted that the water body has been encroached, not only for laying the road, but also for cultivation.

3.Considering the above, we direct respondent Nos.2 to 4, as the case may be, to initiate appropriate action for removing the encroachments in accordance with law and to demarcate the water body. The bunds of the water body will have to be raised in order to make sure that it can be maintained as such. The said exercise will have to be done within a period of 12 weeks from the date of receipt of a copy of this order.

4.This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2

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,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.



3.The Taluk Land Surveyor,
Taluk Office,
Karambakudi,
Pudukkottai District.

4.The Department of Water Resources,
Public Works Department,
Water Resources Office,
Pudukkottai.

+1 CC to M/s.SPL GP (SR-11863[F] dated 17/03/2021)

+1 CC to M/s.D.SANTHOSH KUMAR AND N.KAMESH, Advocate (SR-12099[F]
dated 18/03/2021)

W.P. (MD) No.15142 of 2020

16.03.2021

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(CO)

HB(24.04.2021) 3P 7C