



WEB COPY

W.P(MD)No.15954 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15954 of 2021

and

W.M.P(MD)No.12890 of 2021

N.Veeramani

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Periyakulam Taluk,
Theni District.

3.The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Canal Division - 1,
Batlagundu,
Dindigul District.

4.Pandi

5.Rajendran

6.Viji

7.Dinakarasamy

8.Saranya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment/fencing made on the branch of "KuluRowther Odai" (water body) passing through the lands in Survey Nos.131, 150 and 151 situated at Bit No.1 of Ganaguvarpatti Village, Peiriyakulam Taluk, Theni District, which belongs to the respondents 4 to 8 based on the representation dated 30.06.2021 preferred by the petitioner.

For Petitioner : Mr.V.P.Rajan
For RR 1 to 3 : Mr.P.Thilak Kumar
Government Pleader



ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment/fencing made on the branch of "KuluRowther Odai" (water body) passing through the lands in Survey Nos.131, 150 and 151 situated at Bit No.1 of Ganaguvarpatti Village, Peiriyakulam Taluk, Theni District, which belongs to the respondents 4 to 8 based on the representation dated 30.06.2021 preferred by the petitioner.

2.Mr.V.P.Rajan, learned counsel appearing for the petitioner submitted that the private respondents 4 to 8 have encroached the water body in Survey Nos.131, 150 and 151 and that the petitioner has given a representation to the third respondent, however, the third respondent has not passed any order so far. In these circumstances, the learned counsel appearing for the petitioner submitted that it would be suffice to direct the third respondent to consider the petitioner's representation dated 30.06.2021 and pass orders in accordance with law.

3.Mr.P.Thilak Kumar, learned Government Pleader taking notice for the respondents 1 to 3 submitted that the third respondent may be directed to consider the petitioner's representation dated 30.06.2021 and pass orders on merits and in accordance with law, after giving notice to all the interested parties.

4.Having regard to the submissions made by the learned counsel appearing on either side and also taking into consideration the limited prayer sought for by the learned counsel appearing for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the third respondent to consider the petitioner's representation dated 30.06.2021 and pass orders on merits and in accordance with law, after giving notice to all the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

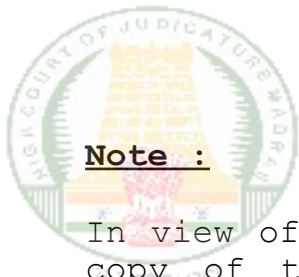
Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



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,
Theni District,
Theni.
- 2.The Tahsildar,
Periyakulam Taluk,
Theni District.
- 3.The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Canal Division - 1,
Batlagundu,
Dindigul District.

+1 CC to M/s.SPL GP (SR-28679[F] dated 09/09/2021)

W.P (MD) No.15954 of 2021
08.09.2021

GC(22.09.2021) 3P 5C