



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) No.17083 of 2021

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Thenkarai Vivasayigal Sangam,
Rep. by its Secretary P.Rajasekaran,
No.34, South Agraharam, Thenkarai,
Periyakulam Taluk,
Theni District.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St. George, Secretariat,
Chennai.
- 2.The Chief Engineer,
Public Works Department,
Madurai Region, Madurai.
- 3.The Executive Engineer, PWD/WRO,
Manjalar Basin Division,
Periyakulam,
Theni District.
- 4.The Assistant Executive Engineer, PWD/WRO,
Irrigation Section,
Periyakulam,
Theni District.
- 5.The Assistant Engineer, PWD/WRO,
Irrigation Section,
Periyakulam,
Theni District.
- 6.The District Collector,
Theni District, Theni.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments in Periyakulam Tank having an extent of 350 Hectares situated in S.No.2058 of Thenkarai Village, Theni District and prevent the illegal activities of encroachers on the basis of the representation submitted by the Petitioner dated 25.08.2021 and 27.08.2021 within the time frame fixed by this Hon'ble Court.

For Petitioner : Mrs.J.Padmaavathi Devi



For Respondents : Mr.B.Saravanan
Additional Government Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

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The Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments in Periyakulam Tank having an extent of 350 Hectares situated in S.No.2058 of Thenkarai Village, Theni District, and prevent the illegal activities of encroachers on the basis of the representations submitted by the petitioner, dated 25.08.2021 and 27.08.2021, within a time frame.

2.Mr.B.Saravanan, learned Additional Government Pleader, accepts notice on behalf of the respondents.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.The grievance of the petitioner is that about 60 persons have encroached upon the water storing area of Periyakulam Tank and preventing the water from entering into the Periyakulam Tank.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that there are about 88 encroachers and due to the incessant rain in the area, they could not evict the encroachers and therefore, the respondents require eight weeks time to evict the encroachments.

6.In the light of the above representation made by the learned Additional Government Pleader, the third respondent is directed to consider the representations of the petitioner, dated 25.08.2021 and 27.08.2021, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, and the encroachments shall be removed within eight weeks from the date of receipt of a copy of this order, after following due process of law. While doing so, the third respondent shall also take the assistance of the petitioner in removing the encroachments.

7.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sj

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 Principal Secretary,
Public Works Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai.
- 2.The Chief Engineer,
Public Works Department,
Madurai Region, Madurai.
- 3.The Executive Engineer, PWD/WRO,
Manjalar Basin Division,
Periyakulam,
Theni District.
- 4.The Assistant Executive Engineer, PWD/WRO,
Irrigation Section,
Periyakulam,
Theni District.
- 5.The Assistant Engineer, PWD/WRO,
Irrigation Section,
Periyakulam,
Theni District.
- 6.The District Collector,
Theni District, Theni.

+1 CC to M/s.SPL GP (SR-36980[F] dated 02/12/2021)

+1 CC to M/s.J.PADHMAAVATHI DEVI, Advocate (SR-37098[F] dated 02/12/2021)

W.P (MD) No.17083 of 2021
01.12.2021

SE (CO)
TR(14.12.2021) 3P 9C