



W.P. No.18185 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM:

**THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR. JUSTICE SUNDER MOHAN
W.P. No.18185 of 2022**

Chandran @ Muthusamy

.. Petitioner

v.

1. The District Collector,
Salem, Salem District.
2. The Chief Engineer,
Public Works Department,
Cauvery Upper Basin Circle,
Trichy.
3. The Executive Engineer,
Water Resources Department,
Sarabanga Basin Circle, Salem.
4. The Revenue Divisional Officer,
Aathur, Salem District.
5. The Tahsildar,
Peddanaaickenpalayam,
Salem, Salem District.
6. Saravanan

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachment made by the 6th respondent in the water body land admeasuring 4.98 hectares comprised in S.No.151, Gopalapuram Village, Peddanaickenpalayam Taluk, Salem District.

For Petitioner : Mr. R. Rajarajan

For Respondents : Mr. P.Muthukumar,
Government Pleader – R1 to R5

ORDER

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachment made by the 6th respondent in the water body land measuring an extent of 4.98 hectares comprised in S.No.151, Gopalapuram Village, Peddanaickenpalayam Taluk, Salem District.

2. It is the case of the petitioner that in spite of giving several representations to the authorities, they have not taken any steps to remove the encroachment made by the 6th respondent.



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3. When the Writ Petition is taken up for hearing, Mr. P. Muthukumar, learned State Government Pleader, taking notice for the respondents 1 to 5 submitted that the 5th respondent had already initiated proceedings under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and therefore, proper steps would be taken by the Public Works Department for removing the encroachment after issuing Form 1 and Form 2 by the Tahsildar.

4. Mr. R. Rajarajan, learned counsel appearing for the petitioner submitted that in view of the submission made by the learned State Government Pleader to the effect that the authorities have already taken steps to remove the encroachment, the Writ Petition may be disposed of.

5. Having regard to the submissions made by the learned counsel on either side, recording the submissions made by the learned State Government Pleader to the effect that the authorities have already taken steps to remove the encroachment as per the provisions of Tamil Nadu



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Protection of Tanks and Eviction of Encroachment Act, the Writ
Petition is disposed of. The authorities are granted eight weeks time to
remove the encroachment made by the 6th respondent. No costs.

[M.D., J.] [S.M., J.]
18.07.2022

Index : Yes/No

Internet : Yes

Rj

To

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M. DURAISWAMY, J.
and
SUNDER MOHAN, J

Rj

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