



W.P.No.29345 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29345 of 2022

S.Ramesh

..

Petitioner

v.

1. The Assistant Engineer (WRD)
Public Works Department
River Protection Division
Karur 639 001

2. The Executive Engineer
Kodumudi Town Panchayat
Kodumudi, Erode District

..

Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the order dated 19.10.2022 in letter No.103/Ko.6/2022 on the file of the first respondent herein and quash the same.



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For Petitioner :: Mr.L.P.Shanmugasundaram
For Respondents :: Mr.P.Muthukumar
State Government Pleader for R1

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.S.Ramesh, questioning the impugned proceedings dated 19.10.2022 issued by the first respondent directing him to vacate from the shop put up in Survey No.671/1 forming part of the Kodumudi Cauvery Riverbed, has filed this writ petition.

2. Mr.L.P.Shanmugasundaram, learned counsel appearing for the petitioner fairly submitted that after issuance of the impugned proceedings calling upon the petitioner to vacate from the objectionable place, as it is a Cauvery riverbed, the petitioner has vacated the shop from the place in question. However, the learned counsel submitted that since the petitioner has already vacated the premises, he may be considered for providing alternative accommodation to eke out his livelihood, as his ancestors have been running the shop from the year 1950 by selling coconut and other



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pooja items in front of Arulmighu Magudeswara Temple in Kodumudi.

3. Mr.P.Muthukumar, learned State Government Pleader appearing for the first respondent, objecting heavily to the plea of alternative accommodation, submitted that the petitioner cannot be considered for alternative accommodation, as he is an encroacher by putting a shop in the Cauvery riverbed. Secondly, when all the other encroachers have been evicted from Survey No.671/1, giving any direction to the respondents to provide alternative accommodation to the petitioner alone would open a Pandora's box. In support of his submissions, the learned State Government Pleader also placed before us the 'A' register showing that the land covered in Survey No.671/1 is a Cauvery riverbed.

4. We also find merits on the contentions made by the learned State Government Pleader. Admittedly, the petitioner is an encroacher of the land covered in Survey No.671/1, which is shown as a Cauvery riverbed in the 'A' register produced before us. Moreover, the petitioner has fairly vacated from



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the place knowing fully well that he is an encroacher of the Cauvery riverbed. Therefore, we are not inclined to entertain the writ petition and also the prayer for alternative accommodation. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.28646 of 2022 is also dismissed. However, there is no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

08.11.2022

SS

To

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THE HON'BLE ACTING CHIEF JUSTICE
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D.KRISHNAKUMAR,J.

SS

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