



W.P.(MD)No.4213 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

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Angusamy

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisonal Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Kalaiyarkovil,
Sivagangai District.
- 4.The Block Development Officer,
Block Development Office,
Sivagangai.
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to remove the encroachment in the petitioner's village Kanmoi(tank)



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namely Periyakuluvachi Kanmoi along with irrigation canals at Periyakiluvachi Village, Kalaiyarkovil Taluk, Sivagangai District based on the petitioner's representation dated 05.11.2019.

For Petitioner : Mr.PR.Boomeerajan

For Respondents : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents to remove the encroachment made in Periyakuluvachi Kanmoi and its irrigation canals at Periyakiluvachi Village, Kalaiyarkovil Taluk, Sivagangai District, based on his representation dated 05.11.2019.

2. Heard Mr.PR.Boomeerajan, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, appearing for the respondents.

3. Alleging that encroachments have been made in Periyakuluvachi Kanmoi and its irrigation canals at Periyakiluvachi Village, Kalaiyarkovil Taluk, Sivagangai District, the petitioner submitted various representations to the respondents and finally on



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05.11.2019, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the third respondent to dispose of his representation dated 05.11.2019, within a time frame.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated 05.11.2019, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the



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parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
22.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
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Sivagangai.
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Revenue Divisional Office,
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Sivagangai District.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Kalaiyarkovil,
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and

J.SATHYA NARAYANA PRASAD, J.

sj

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