



W.P(MD)No.9139 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

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

W.P(MD)No.9139 of 2020

M.Yathavaraj

... Petitioner

VS.

1.The District Collector,
Theni District,
Theni – 625 531.

2.The Block Development Officer,
Theni Panchayat Union Office,
Theni – 625 531,
Theni District.

3.The Village Panchayat Secretary,
Unjampatti Village,
Theni Panchayat Union Office,
Theni – 625 531,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take legal steps to remove the alleged encroachment in the water channel and the small tank made by the unknown private individuals and the third respondent in Survey Nos.46 to 52 and 55, Unjampatti Village,



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Theni Taluk, Theni District and also direct them to restore the water channel and the small tank to its original shape, size, capacity etc according to law by considering the petitioner's representation, dated 25.06.2020 within a stipulated time.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the alleged encroachment in the water channel and the small tank made by the unknown private individuals and the third respondent in Survey Nos.46 to 52 and 55, Unjampatti Village, Theni Taluk, Theni District and also direct them to restore the water channel and the small tank to its original shape, size, capacity etc., according to law by considering the petitioner's representation, dated 25.06.2020 within a time frame.

2.The learned counsel appearing for the petitioner submitted that though the petitioner made a representation, dated 25.06.2020 to the



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respondents for construction of a public toilet and laying of the road right across the waterbody and waterways in Survey Nos.46 to 52 and 55 of Unjampatti Village, Theni District, did not evoke any response. Hence, this Writ Petition.

3.The learned Government Pleader appearing for the respondents submitted that the petitioner's representation dated 25.06.2020 would be considered and appropriate action will be taken in accordance with law.

4.In view of the above, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 25.06.2020 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 all other parties, the authorities concerned are directed to take necessary action for removal of encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
24.11.2022

To

- 1.The District Collector,
Theni District,
Theni – 625 531.
- 2.The Block Development Officer,
Theni Panchayat Union Office,
Theni – 625 531,
Theni District.
- 3.The Village Panchayat Secretary,
Unjampatti Village,
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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 24.11.2022