



W.P.(MD)No.11007 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

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A.Adaikan

... Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
Tiruvarangam Circle, Vannamkovil,
Trichy District.

3. The Tahsildar,
Marungapuri Taluk, Trichy District.

4. The Chief Engineer,
Public Works Department,
Water Resources Organisation, Tiruchi Region,
Pudukottai Road, P.B.No. 803,
Subramaniapuram, Tiruchirapalli- 620020.

5. The Executive Engineer,
Public Works Department,



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Water Resources Organisation,
Marungapuri Taluk, Manapparai,
Trichy District.

6. Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 4 and 5 herein to remove the encroachments made by the sixth respondent herein over the surplus course of water comprised in Survey Number 238/1, Poolampatti Village, Marungapuri Taluk, Trichy District, in the light of the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 and the representation of the petitioner dated 08.04.2021.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.A.K.Manikkam
Standing Counsel
for R1 to R5

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 4 and 5 to remove the encroachments made by the sixth respondent upon the watercourse in Survey No.238/1, Poolampatti Village, Marungapuri Taluk, Trichy District, based on his representation dated 08.04.2021.



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2. Heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Standing Counsel, appearing for the respondents 1 to 5.

3. Pointing out that the sixth respondent encroached the land in Survey No.238/1, Poolampatti Village, Marungapuri Taluk, Trichy District, by cultivating crops unauthorisedly and thereby obstructing the free flow of water running to the Poolankulam Tank and nearby waterbodies, the petitioner submitted a representation dated 08.04.2021, to the respondents 4 and 5, which according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 5 to consider and dispose of his representation dated 08.04.2021, in accordance with law, within a time frame.

4. 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



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authorities concerned, to consider the representation of the petitioner dated 08.04.2021 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, necessary action has to be taken by the authorities concerned for removal of the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.10.2022

Internet : Yes / No
Index : Yes / No
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