



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.10149 of 2022

Muthukrishnan

...Petitioner

Vs.

1.The District Collector,
Office of the Collectorate Building,
Dindigul District.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3.The Block Development Officer,
Reddiyarchathiram Panchayat Union,
Reddiyarchathiram,
Dindigul District.

4.The Assistant Engineer, Water Resources Organisation,
Public Works Department,
Dindigul Division,
Dindigul.

...Respondents

(4th respondent is suo-motu impleaded by
this Court vide order dated 08.06.2022)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the illegal encroachment in water channel bearing Survey Nos.396, 399, 405 and 406 of Palanganuthu Village, Dindigul West Taluk, Dindigul District.

For Petitioner	:	M/s.A.Arul Jenifer M.Anbuarasan
For R-1 & R-2 & R-4	:	Mr.T.Amjad Khan, Government Advocate
For R-3	:	Mr.S.Kameswaran, Government Advocate



O R D E R

(Order of the Court was made by S.S.SUNDAR, J.)

Heard the learned counsel appearing for the petitioner and the learned Government Advocates appearing for the respondents.

2. The matter relates to encroachment in a water body. Though the petitioner states that there are several persons who have constructed houses encroaching into a Channel(odai) in Survey Nos.396, 399, 405 and 406 of Palanganuthu Village, Dindigul West Taluk, Dindigul District, the petitioner has not impleaded the concerned authority namely the authorised Officer of Public Works Department, who is given power to take action under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (hereinafter referred to as 'the Act').

3. Hence, this Court *suo motu* impleaded the Assistant Engineer, Water Resources Organisation of Public Works Department, Dindigul Division, Dindigul, as a party to this writ petition. If the Officer/fourth respondent, who has been impleaded by this Court, is not an authorised person to perform, it is open to the fourth respondent to forward the representation of the petitioner, dated 17.02.2022, to the Officer, who is authorised to act, for the purpose of exercising the power under the Act. The Act clearly prescribes the procedure to be followed before identifying the boundaries of water bodies by surveying. It shall be done in the presence of so-called encroachers. The fourth respondent or any other person who is authorised to perform, is directed to hold an enquiry and pass appropriate orders or take action in accordance with the provisions of the Act, to remove the encroachments if any in the water body, within a period of twelve weeks from the date of receipt of a copy of this order. While commencing the proceedings, the direction of this Court in ***T.S.Senthil Kumar vs. The Government of Tamil Nadu, Rep. by its Secretary, Public Works Department and four others*** reported in ***2010 Writ Law Reporter 113***, shall be strictly followed.

With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Collector,
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3.The Block Development Officer,
Reddiyarchathiram Panchayat Union,
Reddiyarchathiram,
Dindigul District.

4.The Assistant Engineer, Water Resources Organisation,
Public Works Department,
Dindigul Division,
Dindigul.

+1 CC to M/s.SPL.GP (SR-24896 & 25081[F]

ORDER MADE IN

W.P (MD) No.10149 of 2022

08.06.2022

NSN(CO)

GC(17.06.2022) 3P 6C