



W.P.(MD) No.17419 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.17419 of 2020

Senthilkumar

Represented by his Power Agent,

A.Raja

... Petitioner

-Vs-

1.The District Collector,

Pudukkottai District, Pudukkottai.

2.The Tahsildar,

Manamelkudi Taluk, Pudukkottai District.

3.The Block Development Officer,

Village Panchayat Union,

Manamelkudi Taluk, Pudukkottai District.

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4.Villi

5.Subbaiah

6.Sundaram

7.Ramesh

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to remove the encroachments made by the respondents 4 to 7 in S.F.No.147, Keelayendal Eri, situated at Seyyanam Revenue Village, Manamelkudi Taluk, Pudukkottai District by considering the petitioner's representation dated 25.07.2019.

For Petitioner : Mr.K.Baalasundharam

For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

For R4 to R7 : No Appearance

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action to remove the encroachments made by the respondents 4 to 7 in S.F.No.147, Keelayendal Eri, situated at Seyyanam Revenue Village, Manamelkudi Taluk, Pudukkottai District

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by considering the petitioner's representation dated 25.07.2019 within a time frame.

2.Claiming that the respondents 4 to 7 have encroached the aforesaid water body, the petitioner made a representation dated 25.07.2019 to the respondents 1 to 3. Based on the said representation, the 3rd respondent vide proceedings in Na.Ka.T.No.1/137/2018, dated 05.08.2019 requested the 2nd respondent to conduct a survey of the water body and demarcate its extent. In the meantime, the 1st respondent, vide proceedings in O.Mu.1423/2019/E1, dated 28.08.2019, has forwarded the representation of the petitioner dated 25.07.2019 to the Executive Engineer, South Vellaru Basin, Pudukkottai, who in turn, forwarded the same to the 3rd respondent, vide letter No.V2/Ko187/Manu/2019/2854, dated 23.09.2019. However, the 3rd respondent has not taken any steps to remove the encroachment. Hence, this Writ Petition is filed.

3.Today, when the matter was taken up for hearing, the learned Additional Government Pleader for the respondents 1 to 3 submitted that



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appropriate action would be taken by the authorities concerned for removal of the encroachment, if any, in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law within a time frame.

4.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 25.07.2019 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same shall be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

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

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Index : Yes / No

Internet : Yes / No

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