



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.12307 of 2022

WEB COPY

D.Jeyabalan

.. Petitioner

Vs.

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Aundipatti Taluk,
Theni District.
- 4.The Assistant Engineer,
Water Resources Organization,
Irrigation Division,
Public Works Department,
Aundipatti,
Theni District.
- 5.The Block Development Officer,
Aundipatti Panchayat Union,
Aundipatti,
Theni District.
- 6.Chellachamy
- 7.Jeyabalan
- 8.Sivakumar
- 9.Arjunan
- 10.Jeyaraman
- 11.Kumar
- 12.Balu
- 13.Ashok Kumar
- 14.Prakash
- 15.Yokkiam
- 16.Ravi
- 17.Suresh
- 18.Pandi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments made by the

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respondents 6 to 18 in the water course (Odai) in S.No.159/1 and 164/1 of Thimmarasanaickanur Bit-1 Village, Aundipatti Taluk, Theni District.

For Petitioner : Mr.R.Rajamohan
For R1 to R4 : Mr.T.Amjath Khan
Government Advocate
For R5 : Mr.S.P.Maharajan
Special Government Pleader

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ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachments in respect of the water body in S.No.159/1 and 164/1 of Thimmarasanaickanur Bit-1 Village, Aundipatti Taluk, Theni District by the respondents 6 to 18.

2.Heard Mr.R.Rajamohan, learned counsel appearing for the petitioner, Mr.T.Amjath Khan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the fifth respondent.

3.The petitioner has filed this writ petition with inconsistent stand. It is seen that the property in S.No.159/1 is described as a land belonging to Government and no water body is indicated. However, in the writ petition, the petitioner states that the respondents 6 to 18 have encroached the water bodies viz., Odai in S.Nos.159/1 and 164/1 in Thimmarasanaickanur Bit-1 Village, Aundipatti Taluk, Theni District. Though the petitioner states that there is an encroachment in Odai located in S.No.164/1, the petitioner has not submitted any representation to the fourth respondent with regard to Odai Poramboke or water body in S.No.164/1.

4.In such circumstances, this Writ Petition is dismissed. However, liberty is given to the petitioner to approach this Court by making proper representation to the fourth respondent, if there is an encroachment in water body as stated by the petitioner. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1.The District Collector,
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Theni District.

3.The Tahsildar,
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Theni District.

4.The Assistant Engineer,
Water Resources Organization,
Irrigation Division,
Public Works Department,
Aundipatti,
Theni District.

5.The Block Development Officer,
Aundipatti Panchayat Union,
Aundipatti,
Theni District.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-27058[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27408[F] dated 22/06/2022)

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