



W.P.(MD) No.8034 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.8034 of 2019

R.Varadharajan

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chennai.

3.The Tahsildar,
Manapparai Taluk, Trichy District.

4.The Commissioner,
Manapparai Municipality,
Manapparai, Trichy District.

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachments made in the Karikankulam Tank and its channel comprised in Survey No.733, Manapparai Town, Manapparai and consequently, direct the 4th respondent to prevent the free flow of drainage water waste into the said Karikankulam Tank on the basis of the petitioner's representation dated 26.01.2019.

For Petitioner : M/s.R.Yamuna
For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R4 : Mr.I.Lawrance

ORDER

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

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments made in the Karikankulam Tank and its channel comprised in Survey No.733, Manapparai Town, Manapparai and consequently, to direct the 4th respondent to prevent the free flow of drainage water into the said Karikankulam Tank, on the basis of the petitioner's representation dated 26.01.2019 within a time frame.

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2.The grievance of the petitioner is that pointing out the aforesaid encroachment, he made several representations to the respondents. Since no action was taken to consider his representations, he filed W.P.(MD)No.1650 of 2017 to remove the encroachments, wherein this Court, by an order dated 14.06.2017, directed the 4th respondent to remove the encroachments within a period of two months. Despite the said order, the 4th respondent had not taken any steps to remove the encroachments. Hence, he made a detailed representation dated 26.01.2019 to the respondents, seeking removal of the encroachment. Finding inaction on the part of the official respondents, the petitioner is before this Court seeking the aforesaid relief.

3.Today, when the matter was taken up for hearing, the learned Additional Government Pleader for the respondents 1 to 3, on instructions, submitted that there are encroachments in the place in question as alleged by the petitioner and appropriate action would be taken to remove the same by following due process of law, for which the learned counsel for the petitioner is agreeable.

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4.In view of the above, without going into the merits of the case, we direct the respondents 1 to 3 to remove the encroachments in the place in question, after affording sufficient opportunity 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.

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

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

22.11.2022

Index : Yes / No

Internet : Yes / No

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