



W.P.(MD) No.13554 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.13554 of 2022

P.Gopi

... Petitioner

-vs-

- 1.The District Collector
Sivagangai District
Sivagangai
- 2.The Tahsildar
Singampunari Taluk
Sivagangai District
- 3.The Assistant Engineer
Irrigation Section
Public Works Department
Singampunari
Sivagangai District
- 4.The Block Development Officer
Singampunari Taluk
Sivagangai District
- 5.The President
Madurapuri Panchayat



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Singampunari Taluk
Sivagangai District

6.Mahesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2 to 4 herein to remove the encroachment made by the sixth respondent in Survey No.149/2, Nadar Tank, Vadasingampunari, Singampunari Taluk, Sivagangai District, by considering the petitioner's representation dated 26.02.2022, within a time frame.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R5
No appearance for R6

ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 2 to 4 to remove the encroachment made by the sixth respondent in Survey No.149/2 in Nadar Tank, Vadasingampunari, Singampunari Taluk, Sivagangai District, by considering the petitioner's representation dated 26.02.2022, within a time frame.



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2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that subsequent to the filing of this writ petition, the surveyor has conducted a survey in the subject tank and since there are encroachments by the sixth respondent, as projected by the petitioner, the second respondent issued Form-I notice to the fourth respondent to remove those encroachments. However, the sixth respondent himself came forward and removed one asbestos shed out of two asbestos sheds and undertook that he would remove the remaining asbestos shed, after the rainwater is drained. To that effect, the learned Government Pleader has produced a copy of the proceedings of the second respondent in Na.Ka.A3/1144/2022, dated 12.11.2022, before this Court.

3. Recording the above submission of the learned Government Pleader, the sixth respondent is directed to remove the remaining encroachment in the subject tank as per the undertaking given by him before the authority concerned, within a period of four weeks from the date of receipt of a copy of this order. If the sixth respondent failed to remove the encroachment, the authority concerned



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is directed to remove the encroachment, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of four (4) weeks thereafter.

4. With the above direction, this writ petition is disposed of. No costs.

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

14.11.2022

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
- 3.The Assistant Engineer,
Irrigation Section,
Public Works Department,
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4.The Block Development Officer,
Singampunari Taluk,
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5.The President,
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