



W.P(MD) No.14183 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

**W.P.(MD) No.14183 of 2021
and W.M.P(MD) Nos.11129, 11132 & 11130 of 2021**

R.Jayaram Doss

... Petitioner

-VS-

1. The Secretary,
Bar Council of Tamil Nadu ,
Madras High Court Building ,
Chennai - 600004.
(R1 given up vide Court order dated
07/09/2021)

2. The District Collector,
Madurai District, Madurai .

3. The Tahsildar,
Madurai West Taluk, Madurai.

4. The Commissioner of Police,
Madurai City, Madurai.

5. The Inspector of Police,
S.S.Colony Police Station, S.S.Colony ,
Madurai.



W.P(MD) No.14183 of 2021

6. K.P.Pandiyan

... 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 2 and 3 to remove the illegal encroachment made by the sixth respondent in T.S.Nos.909/1 and 909/2, Arasaradi , Madurai West Taluk, Madurai District, within a time frame as fixed by this Honble Court.

For Petitioner : Mr.I.Mohamed Razvi

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
for R2 & R3
Mr.T.Senthil Kumar
Additional Public Prosecutor
for R4 & R5
Mr.G.Prabhu Rajadurai for R6

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 2 and 3 to remove the illegal encroachment made by the sixth respondent in T.S.Nos.909/1 and 909/2, Arasaradi, Madurai West Taluk, Madurai District, within a time frame.

2. Heard Mr.I.Mohamed Razvi, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the



W.P(MD) No.14183 of 2021

respondents 2 and 3; Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents 4 and 5 and Mr.G.Prabhu Rajadurai, learned counsel for the sixth respondent.

3. Pointing out that the sixth respondent has encroached upon the water channel running adjacent to the petitioner's property in the aforesaid survey numbers and thereby causing hindrance to the free flow of water, the petitioner submitted a representation dated 30.07.2021 to the first respondent, which according to the learned counsel for the petitioner is unattended.

4. In reply, the learned counsel appearing for the sixth respondent submitted that a part of the land in question is nothing but a private patta land and that there is no encroachment as alleged by the petitioner.

5. However, the learned Government Pleader appearing for the respondents 2 and 3 submitted that necessary action would be taken for the removal of the encroachment, if any, as alleged by the petitioner.



W.P(MD) No.14183 of 2021

6. Recording the aforesaid submissions, this writ petition is disposed of directing the respondents 2 and 3 to survey the watercourse in question, demarcate its extent and also the extent of encroachment and then remove the encroachment if any therein, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
27.10.2022

Index : Yes / No
Internet : Yes / No
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W.P(MD) No.14183 of 2021

To:

1. The District Collector,
Madurai District, Madurai .
2. The Tahsildar,
Madurai West Taluk, Madurai.



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W.P(MD) No.14183 of 2021

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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W.P.(MD) No.14183 of 2021

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