



W.P(MD)No.15562 of 2021

WEB COPY 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.15562 of 2021

B.Sornam

... Petitioner

VS.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai,
Sivagangai District.

4.The Commissioner of Municipality,
Devakottai Municipal Town,
Devakottai Municipal Office,
Devakottai.

5.Ilamathi

6.Nadiyammal

7.Packiyam

8.Kumar

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments of the respondents 5 to 8 made on the canal/waterway in Town Survey No.1, Block 20, Ward – A, Udhayachi Group that leading to Valliyappa Chettiyar Oorani / Reservoir at Chellappa Chettioorani neary Rotary Club, Saratha Nagar, Devakottai, Sivagangai District.

For Petitioner	: Mr.I.Velpradeep
For RR 1 to 3	: Mr.P.Thilak Kumar Government Pleader
For R – 4	: Mr.J.Anand Kumar
For RR 5 to 8	: No appearance

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 1 to 4 to remove the encroachments made by the respondents 5 to 8 made on the canal/waterway in Town Survey No.1, Block 20, Ward – A, Udhayachi Group that leading to Valliyappa Chettiyar Oorani / Reservoir at Chellappa Chettioorani neary Rotary Club, Saratha Nagar, Devakottai, Sivagangai District.



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2. The learned counsel appearing for the petitioner submitted that though the third respondent vide proceedings in Na.Ka.A1/45/2018, dated 13.02.2019, directed the fourth respondent, to take appropriate action for removal of the encroachment, till date, no steps are taken to remove the encroachment. Hence, the petitioner made another representation, dated 06.03.2021 to the first respondent in this regard. But, there was no response. Hence, this Writ Petition.

3. The learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the petitioner's representation dated 06.03.2021 would be considered and appropriate action will be taken in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 06.03.2021 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties



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concerned, the authorities concerned are directed to take necessary action for removal of encroachment, after affording sufficient opportunity of personal hearing 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 is disposed of. No costs.

Index : Yes / No
Internet : Yes
ps

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

ORDER MADE IN
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