



W.P(MD)No.19338 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

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

W.P(MD)No.19338 of 2022

S.Chinnakaruppasamy

... Petitioner

VS.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
- 3.The Tahsildar,
Veerakeralampudur Taluk,
Tenkasi District.
- 4.The Block Development Officer,
Alangulam Union, Alangulam,
Tenkasi District.
- 5.The President,
Oothumalai Panchayat,
Oothumalai,
Veerakeralampudur Taluk,
Tenkasi District.
- 6.Joseph Raj

1/6



W.P(MD)No.19338 of 2022

7.Gnanathai
8.Susai Raj

... Respondents

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 5 to remove the encroachments made by the respondents 6 to 8 herein in the waterbodies namely Veeraiyan Oorani and Veeraiyan Kuttam situated in Survey Nos.462/6 and 542/1 respectively and water supply channels abutting cart track situated in Survey Nos.531/1 and 532/1 respectively at the petitioner's Oothumalai Village, Veerakeralampudur Taluk, Tenkasi District and restore the same by considering the petitioner's representation, dated 15.01.2022.

For Petitioner : Mr.T.Veerakumar

For RR 1 to 5 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For RR 6 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 5 to remove the encroachments made by the respondents 6 to 8 herein in the waterbodies, namely Veeraiyan Oorani and Veeraiyan Kuttam situated in Survey Nos.462/6 and



W.P(MD)No.19338 of 2022

WEB COPY

542/1 respectively and water supply channels situated abutting to cart track in Survey Nos.531/1 and 532/1 respectively at the petitioner's Oothumalai Village, Veerakeralampudur Taluk, Tenkasi District and restore the same by considering the petitioner's representation, dated 15.01.2022.

2.Though notices have been sent to the respondents 6 to 8 and their names have been printed in the cause-list, none appeared for them either in person or through counsel.

3.The learned counsel appearing for the petitioner submitted that since the respondents 6 to 8 have encroached upon the water bodies and water supply channels in the abovesaid survey numbers, the petitioner made a representation to the respondents 1 to 5, dated 15.01.2022, to remove the encroachments. Since the same had not been considered, the petitioner made an application under the RTI Act and the fourth respondent vide proceedings in Na.Ka.No.A3/1590/2022, dated 30.06.2022, stated that he directed the revenue officials to survey the waterbodies and watercourse to find out the extent of the encroachments. So far, no action is taken to remove the encroachments. Hence, the petitioner has filed the present Writ Petition.



W.P(MD)No.19338 of 2022

WEB COPY

4. The learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the representation of the petitioner, dated 15.01.2022 will be disposed of by the respondents 1 to 5 in accordance with law within a time frame.

5. In view of the abovesaid submissions, 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 15.01.2022 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 concerned, the authorities concerned shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned including the respondents 6 to 8 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.



W.P(MD)No.19338 of 2022

WEB COPY 6. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] [J.S.N.P.,J.]
23.11.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
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Tenkasi.
- 2.The Revenue Divisional Officer,
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Tenkasi District.
- 3.The Tahsildar,
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WEB COPY



W.P(MD)No.19338 of 2022

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

ps

ORDER MADE IN
W.P(MD)No.19338 of 2022

DATED : 23.11.2022