



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Fourteenth day of December Two Thousand and
Twenty Two

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PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mrs.Justice R.VIJAYAKUMAR

W.P (MD) No.20361 of 2022
and
CONT.P (MD) NO.1087 OF 2020
in
W.P (MD) No.19901 of 2019

IN WP (MD) No.20361 of 2022 :

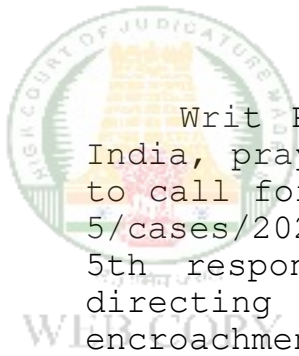
SENTHILVEL

... PETITIONER

Vs

1. THE DISTRICT COLLECTOR,
MADURAI DISTRICT.
2. THE COMMISSIONER,
MADURAI CORPORATION,
MADURAI.
3. THE EXECUTIVE DIRECTOR
TAMIL NADU ROAD INFRASTRUCTURE DEVELOPMENT CORPORATION,
NO.735, LLA BUILDING, 4TH FLOOR,
ANNASALAI, CHENNAI -02.
4. THE TEAM LEADER CUM SENIOR HIGHWAY ENGINEER,
INDIPENDENT ENGINEER TAMIL NADU ROAD,
INFRASTRUCTURE DEVELOPMENT CORPORATION,
FOR SGS-VAX (JV) WITH VAX CONSULTANTS PRIVATE LTD,
NO.18, GANGAI AMMAN KOVIL 4th STREET,
VADAPALANI, CHENNAI-600 026.
5. THE ASSISTANT ENGINEER
PUBLIC WORKS DEPARTMENT/
WATER RESOURCE ORGANIZATION,
PERIYAR RIVER BASIN DIVISION,
BENNY QUIK COPLEX, THALLAKULAM,
MADURAI.

... RESPONDENTS



Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari and Mandamus to call for the records relating to the impugned Letter No. /ko.21-5/cases/2022/U. Poa (Madurai) dated 18.08.2022 on the file of the 5th respondent and quash the same as illegal and consequently directing the respondents to take suitable action against all the encroachments in equal before law, as per the detailed Encroachments report communicated by the 4th respondent dated 08.04.2021 to the respondents.

IN CONT.P(MD) NO.1087 OF 2020 :

S.VARADHARAJAN

... PETITIONER/PETITIONER

VS

1. S.VISAKAN, I.A.S.,
THE COMMISSIONER,
MADURAI CORPORATION,
ANNA MALIKAI, MADURAI-2.

2. V.S.THANGAVEL,
THE EXECUTIVE DIRECTOR,
TAMILNADU ROAD INFRASTRUCTURE DEVELOPMENT CORPORATION,
NO.735 LLA BUILDING, 4TH FLOOR,
ANNA SALAI, CHENNAI.

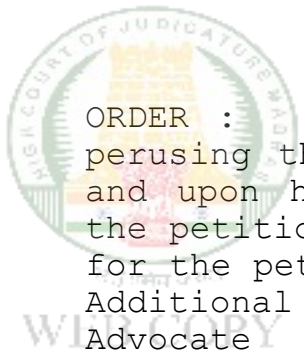
3. T.SUBRAMANIAN,
THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT,
PERIYAR RIVER BASIN DIVISION,
BENNY QUIK COMPLEX,
THALLAKULAM, MADURAI.

... CONTEMNOR/RESPONDENT 2 TO 4

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to punish the respondent for the willful disobedience of the order passed by this honourable court in W.P.(MD).No 19901 of 2019 dated 17.09.2019.

Prayer in WP(MD). 19901/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents to initiate legal action based on the representation of the petitioner dated 25.2.2019 and 13.3.2019 to remove all the encroachments made in water channel runs in Survey No.150/4 and also made in Survey No.149 of Uthangudi Village, in Madurai East Taluk, Madurai District by adopting due process of law and to restore the same free from all kinds of encroachments within a time limit that may be fixed by this court.



ORDER : These petitions coming up for orders on this day, on perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.UDHAYAKUMAR.R, Advocate for the petitioner in WP(MD) No.20361/2022 and MR.C.M.ARUMUGAM, Advocate for the petitioner in CONT.P.(MD) No.1087/2020 and of MR.R.BASKARAN, Additional Advocate General Assist by MR.P.T.THIRAVIYAM, Government Advocate on behalf of the Respondents 1,3 to 5 & M/S.S.DEVASENA, Advocate for the 2nd Respondent in both petitions, the court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR,J)

After elaborate discussions, by consent of the parties and in the interest of justice, to resolve the issue as prayed for by the Petitioner, this Court hereby nominates (1) the Executive Engineer, Madurai Corporation, Madurai, (2) the Executive Engineer, Public Works Department, Madurai (3) the Executive Director, Tamil Nadu Road Infrastructure Development Corporation, Vadapalani, Chennai -26 along with the Tahsildar and Surveyor concerned, representing the Revenue Department shall inspect the property in S.Nos.149, 150/4 of Uthangudi Village, Madurai, either on 18.12.2022 or 19.12.2022 and file a report before this Court for removal of encroachments and the feasibility report of the free flow of water in the water channel in question. Mr.Veerakathiravan, learned Additional Advocate General is appointed as Amicus Curiae in the water body matter, is directed to coordinate with the above said Officers for the above said visit and survey of the properties in question. The Tahsildar and Surveyor concerned is directed to be present on the above said date, along with records. The above said Officers shall file their report separately to find out the feasibility of free flow of water in the water channel, through Mr.Veerakathiravan, learned Additional Advocate General, who has been appointed as Amicus Curiae in water body matters, in the earlier Writ Petitions, before this Court on or before 22.12.2022.

2.List the matter on 22.12.2022 at 2.15 p.m., for filing such reports.

sd/-

14/12/2022

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15/12/2022

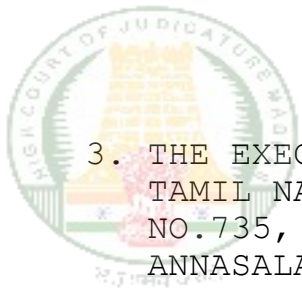
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT COLLECTOR,
MADURAI DISTRICT.

2. THE COMMISSIONER,

<https://www.mhmadurai.org> MADURAI CORPORATION, MADURAI.



3. THE EXECUTIVE DIRECTOR
TAMIL NADU ROAD INFRASTRUCTURE DEVELOPMENT CORPORATION,
NO.735, LLA BUILDING, 4TH FLOOR,
ANNASALAI, CHENNAI -02.

4. THE TEAM LEADER CUM SENIOR HIGHWAY ENGINEER,
INDIPENDENT ENGINEER TAMIL NADU ROAD,
INFRASTRUCTURE DEVELOPMENT CORPORATION,
FOR SGS-VAX (JV) WITH VAX CONSULTANTS PRIVATE LTD,
NO.18, GANGAI AMMAN KOVIL 4th STREET,
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5. THE ASSISTANT ENGINEER
PUBLIC WORKS DEPARTMENT/
WATER RESOURCE ORGANIZATION,
PERIYAR RIVER BASIN DIVISION,
BENNY QUIK COPLEX,
THALLAKULAM, MADURAI.

4. S.VISAKAN, I.A.S.,
THE COMMISSIONER,
MADURAI CORPORATION,
ANNA MALIKAI, MADURAI-2.

5. V.S.THANGAVEL,
THE EXECUTIVE DIRECTOR,
TAMILNADU ROAD INFRASTRUCTURE DEVELOPMENT CORPORATION,
NO.735 LLA BUILDING, 4TH FLOOR,
ANNA SALAI, CHENNAI.

6. T.SUBRAMANIAN,
THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT,
PERIYAR RIVER BASIN DIVISION,
BENNY QUIK COMPLEX,
THALLAKULAM, MADURAI.

COPY TO :

1. MR.VEERAKATHIRAVAN,
ADDITIONAL ADVOCATE GENERAL/AMICUS CURIAE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE EXECUTIVE ENGINEER,
MADURAI CORPORATION, MADURAI.
3. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
MADURAI.



W.P(MD)N



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4. THE EXECUTIVE DIRECTOR,
TAMIL NADU ROAD INFRASTRUCTURE DEVELOPMENT CORPORATION,
VADAPALANI, CHENNAI-26.

WEB COPY

ORDER IN
W.P(MD)No.20361 of 2022
and
CONT.P(MD)NO.1087 OF 2020
in
W.P(MD)No.19901 of 2019
Date :14/12/2022

VSN
USK/VR/SAR- /15.12.2022/5P/11C