



W.P.(MD)No.22181 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2022

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

W.P(MD)No.22181 of 2022

Krishnaveni

... Petitioner

Vs.

- 1.The District Collector,
Trichy District.
- 2.The Revenue Divisional Officer,
Trichy,
Trichy District.
- 3.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.
- 4.The Chief Engineer,
Water Resources Department,
Trichy Region,
Trichy.
- 5.The Executive Engineer,
Public Works Department,
Subramaniapuram,
TVS Tollgate,
Trichy.
- 6.The Executive Engineer,
Tamilnadu Housing Board,
Kajamalai Colony,



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Trichy.

7.R. Sudhakar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 to remove the encroachments made by the 7th respondent in S.Nos. 333, 291 and 291/4B and also restore the water channel runs through S.No. 291 and other adjacent surveys of Navalpatti Village, Trichy District in its original position.

For Petitioner	: Mr.K.P.Narayanakumar
For Respondents 1 to 5	: Mr.S.P.Maharajan Special Government Pleader
For 6 th Respondent	: Mr.M.Suresh Standing Counsel

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ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus directing the respondents 1 to 6 to remove the encroachments made by the 7th respondent in S.Nos.333, 291 and 291/4B and also to restore the water channel, which runs through S.No.291 and other adjacent survey numbers of Navalpatti Village, Trichy District in its original position.



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2. Heard MK.P.Narayanakumar, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 5 and Mr.M.Suresh, learned Standing Counsel for the 6th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 7th respondents is dispensed with.

4. Claiming that the 7th respondent has encroached and destroyed the water channel in S.No.291, Navalpatti Village, Trichy District and also encroached the property owned by the Tamil Nadu Housing Board situated at S.No.291/4B and also Government Poramboke land in S.No.333, the petitioner submitted a representation to the official respondents on 18.11.2021 and the District Collector - 1st respondent vide his proceedings in Oo.Mu.A1/34905/2021, dated 10.01.2022, directed the Tahsildar - 3rd respondent to take appropriate action and the same, according to the learned counsel for the petitioner, remains unattended.



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5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the third respondent to consider the representation of the petitioner dated 18.11.2021, based on the direction issued by the 1st respondent on 10.01.2022, in accordance with law.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated 18.11.2021 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, 7th respondent and any other parties concerned, necessary action has to be taken by the authorities for removal of encroachment in the water channel, the property owned by Tamil Nadu Housing Board and the Government Poramboke land in S.Nos.333, 291 and 291/4B, Navalpatti Village, Trichy District,



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after affording an opportunity of hearing to the encroachers 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.

[R.M.D., J.] [J.S.N.P., J.]
21.09.2022

Internet : Yes / No

Index : Yes / No

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