



W.P.(MD)No.22518 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

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

W.P(MD)No.22518 of 2022

R.Chellammal

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District.
- 2.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.
- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 4.The Block Development Officer,
Village Panchayat,
Ottanchathiram,
Dindigul District.
- 5.The Block Development Officer,
Village Panchayat,
Reddiyarchathiram,
Dindigul District.
- 6.The President,
Puliyamarathukottai Panchayat,
Ottanchathiram Taluk,
Dindigul District.



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7.The President,
Sullerumbu Village Panchayat,
Dindigul West Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to remove the encroachment found in the water body / water channel in S.Nos.853/6, 849/2, 849/7, Puliymarathukottai Village and in S.Nos.4, 7 and 272, Sullerumbu Village, Dindigul District in the light of the communication made by the 4th respondent in Na.Ka.No. 1179/2020/B3 dated 17.8.2022 based on the petitioner's representation dated 26.07.2022 as expeditiously as possible within a time stipulated by this Honble Court.

For Petitioner : Mr.R.Anand

For Respondents 1 to 4 : Mr.G.V.Vairam Santhosh
Government Pleader

For 5th Respondent : Mr.P.Thilak Kumar
Government Pleader

* * *

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 to remove the encroachment found in the water body / water channel in S.Nos.853/6, 849/2, 849/7, Puliymarathukottai Village and in S.Nos.4, 7 and 272, Sullerumbu Village, Dindigul District in the



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light of the communication made by the 4th respondent in Na.Ka.No. 1179/2020/B3 dated 17.8.2022, based on the petitioner's representation dated 26.07.2022, as expeditiously as possible within a time frame.

2. Heard Mr.R.Anand, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the 5th 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 respondents 6 and 7 is dispensed with.

4. Claiming that those who got their domiciles near the bunds of the water body / water channel in S.Nos.853/6, 849/2, 849/7, Puliyamarathukottai Village and in S.Nos.4, 7 and 272, Sullerumbu Village, Dindigul District, have started extending their occupation and putting up construction obstructing the free flow of



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water and as a result the breadth of the water channel has been reduced to 10 feet from 37 feet and the water route has been diverted into residential area, the petitioner submitted a representation to the official respondents on 26.07.2022 and pursuant to the same, the fourth respondent – Block Development Officer through his communication in Na.Ka.No.1179/2020/B3 dated 17.08.2022, addressed to the second respondent – Tahsildar, requested him to conduct survey and to send a report identifying the encroachers so as to remove the encroachment through the local Panchayat, which, according to the learned counsel for the petitioner, is not acted upon.

5. Learned Government Pleader on instructions submitted that as per the request of the fourth respondent, survey has been conducted and appropriate action will be taken for removal of encroachment based on the report of the second respondent.

6. Considering the submissions made by the learned counsel on either side, this writ petition is disposed of with a direction to the second respondent to send the survey report to



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the fourth respondent as expeditiously as possible and thereafter, necessary action has to be taken by the authorities concerned for removal of encroachment in the water body / water channel in S.Nos.853/6, 849/2, 849/7, Puliyamarathukottai Village and in S.Nos.4, 7 and 272, Sullerumbu Village, Dindigul District, after affording an opportunity of hearing to the petitioner and 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.]
26.09.2022

Internet : Yes / No

Index : Yes / No

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To

1.The District Collector,
Dindigul District.

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Dindigul District.

3.The Tahsildar,
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and

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