



W.P.(MD) No.21563 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21563 of 2021

S.James

... Petitioner

-Vs-

- 1.The District Collector,
O/o. The District Collector,
Thiruchirappalli District,
Thiruchirappalli.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Srirangam,
Thiruchirappalli District.

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3.The Thasildar,

O/o. The Tahsildar,

Manapparai Taluk, Thiruchirappalli District,

4.The Revenue Inspector,

Vaiyampatti, Manapparai Taluk,

Thiruchirappalli District.

5.The Block Development Officer,

Vaiyampatti, Manapparai Taluk,

Thiruchirappalli District.

6.P.Shanmugavel

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to survey the sub division Survey No.10/5 and remove the entire encroachment made by the 6th respondent across the water channel (Neer Vazhali Pathai - Aathuvaari) in Survey No.10/5, situated at Vaiyampatti Village, Manapparai Taluk, Thiruchirappalli District on the basis of the proceedings issued by the 3rd respondent vide Na.Ka.A2.6135-2020 dated 17.12.2020 and Na.Ka.No.A2-6135-2020 dated 04.01.2021 and proceedings issued by the 2nd respondent vide O.Mu.A2/2601/2021 dated 14.09.2021 and the consequential direction to

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maintain the entire extent of the water channel (Neer Vazhali Pathai - Aathuvaari) in Survey No.10/5 encroached by the 6th respondent by constructing building and to ensure the free-flow of water.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 to R5 : Mr.P.Thilak Kumar

Government Pleader

For R6 : Mr.K.R.Manimaran

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to survey the sub divided Survey No.10/5 and remove the entire encroachment made by the 6th respondent across the water channel (Neer Vazhali Pathai - Aathuvaari) situated in the aforesaid Survey No.10/5, Vaiyampatti Village, Manapparai Taluk, Thiruchirappalli District, on the basis of the proceedings of the 3rd respondent vide Na.Ka.A2.6135-2020 dated 17.12.2020 and Na.Ka.No.A2-6135-2020 dated 04.01.2021 and the proceedings of the 2nd respondent vide O.Mu.A2/2601/2021 dated 14.09.2021 and for a consequential direction to maintain the entire extent of the water channel as such and ensure free-flow of water therein.

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2.The case of the petitioner is that the 6th respondent has encroached the water channel in the aforesaid Survey No.10/5. Hence, the petitioner made a representation dated 23.11.2020 to the respondents 1 to 5. Pursuant to the same, the 3rd respondent has issued proceedings in Na.Ka.A-6135-2020, dated 17.12.2020, directing the 4th respondent to conduct a field inspection and submit a report in this regard. Again, the 3rd respondent by his proceedings in Na.Ka.No.A2-6135-2020 dated 04.01.2021 has directed the 4th respondent to submit a report in respect of the encroachment made by the 6th respondent. Since no action was taken, the petitioner made another representation dated 13.09.2021 to the respondents 1 to 5. Pursuant thereto, the 2nd respondent by proceedings in O.Mu.A2/2601/2021, dated 14.09.2021 directed the 5th respondent to take necessary action. Despite the aforesaid directions given by the respondents 2 and 3, till date, the respondents 4 and 5 have not taken any action to remove the encroachment made by the 6th respondent. Hence, this Writ Petition.



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3.The learned Government Pleader appearing for the respondents 1 to 5 would submit that the representation of the petitioner dated 13.09.2021 would be considered and disposed of on merits and in accordance with law and appropriate action would be taken to remove the encroachment, if any, in the place in question, by due process of law.

4.Recording the aforesaid submission made by the learned Government Pleader, this Court, without going into the merits of the case, directs the authorities concerned to consider the representation of the petitioner dated 13.09.2021 and pass appropriate orders on merits and in accordance with law and if there is any encroachment, the same shall be removed, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
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Index : Yes / No

Internet : Yes / No

Myr

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2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
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3. The Thasildar,
O/o. The Tahsildar,
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5.The Block Development Officer,
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