



W.P.(MD)No.23782 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2022

CORAM

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

W.P(MD)No.23782 of 2022

E.Balasubramanian

... Petitioner

Vs.

- 1.The District Collector,
Karur District,
Karur.
- 2.The Commissioner,
Karur Corporation,
Karur.
- 3.The Revenue Divisional Officer,
Karur Division,
Karur.
- 4.The Thasildar,
Karur Taluk,
Karur District.
- 5.The Junior Engineer,
PWD, WRD,
Amaravathi River Basin,
Karur District.
- 6.The Assistant Engineer,
PWD, WRD,
Amaravathi River Basin,
Karur District.



W.P.(MD)No.23782 of 2022

7.The Inspector of Police,
Karur Town Police Station,
Karur District.

8.Ranjith

9.Pushpa

10.Ravichandran

11.Citrarasu

... 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 7 to remove the encroachment made by the respondents Nos.8 to 11 in S.F. No. 151, 152, 153 situated at LNS Village, Thirukampuliur, Karur Taluk, Karur District.

For Petitioner : Mr.S.Gokulraj

For Respondents 1, 3 to 6 : Mr.P.Thilak Kumar
Government Advocate

For 2nd Respondent : Mr.K.Balasubramani
Standing Counsel

For 7th Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

* * *

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 7 to remove the encroachments made by the respondent Nos.8 to



W.P.(MD)No.23782 of 2022

11 in S.F.Nos.151, 152 and 153 situated at LNS Village, Thirukampuliur, Karur Taluk, Karur District.

2. Heard Mr.S.Gokulraj, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1, 3 to 6, Mr.K.Balasubramani, learned Standing Counsel, who accepts notice on behalf of the second respondent and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the seventh 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 8 to 11 is dispensed with.

4. Claiming that the respondents 8 to 11 have made encroachments in the water channel and pathway in S.F.Nos.151, 152 and 153 situated at LNS Village, Thirukampuliur, Karur Taluk, Karur District, by constructing houses and thereby obstructing the free flow of water and movement of the public, the petitioner



W.P.(MD)No.23782 of 2022

submitted a representation to the official respondents on 13.12.2021 and pursuant to the same, the fourth respondent – Tahsildar, Karur Taluk has sent a communication dated 06.04.2022, for removal of encroachments to the fifth respondent – Junior Engineer, Public Works Department, enclosing the report of the surveyor dated 01.04.2022, along with the field map showing the encroachments. Thereafter, the fifth respondent sent a communication dated 12.07.2022, to the fourth respondent, requesting him to conduct a survey and sent a report in Form – I, so as to enable them to take action for removal of encroachments and according to the learned counsel for the petitioner, no further action has been taken by the fourth respondent on the said request of the fifth respondent. Hence, the Writ Petition.

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 respondents 4 and 5 to dispose of the representation of the petitioner dated 13.12.2021, within a time frame.



W.P.(MD)No.23782 of 2022

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 respondents 4 and 5 to consider the representation of the petitioner dated 13.12.2021 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, the respondents 8 to 11 and any other parties concerned, the respondents 4 and 5 are directed to take necessary action for removal of the encroachments in the water channel and pathway in S.F.Nos.151, 152 and 153 situated at LNS Village, Thirukampuliur, Karur Taluk, Karur District, after affording an opportunity of hearing to all the parties concerned 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.]
18.10.2022

Index : Yes / No
sj



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W.P.(MD)No.23782 of 2022

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and

J.SATHYA NARAYANA PRASAD, J.

sj

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W.P.(MD)No.23782 of 2022

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