



W.P.(MD)No.23874 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.23874 of 2022

Raj

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

2. The Tahsildar,
Bodinayackanur Taluk, Theni District.

3. Muthumanoharan,

4. Muthuselvi

5. Krishnaveni

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachments made by the respondents 3 to 5 in the channel of Marimoor pond situated at Marimoor Village, Bodinayackanur Taluk, Theni District, in Survey No. 1489/5, by considering the petitioner's representation dated 19.09.2022.



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For Petitioner

: Mr.C.Suresh Kannan

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader
for R1 and R2

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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 and 2 to remove the encroachments made by the respondents 3 to 5, in the channel of Marimoor pond in Survey No. 1489/5, situated at Marimoor Village, Bodinayackanur Taluk, Theni District, on the basis of the petitioner's representation dated 19.09.2022.

2. Heard Mr.C.Suresh Kannan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader who accepts notice for the respondents 1 and 2. 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 3 to 5 is dispensed with.



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4. Pointing out that the respondents 3 to 5 have encroached on the northern side of the Marimoor pond channel in Survey No. 1489/5, at Marimoor Village, Bodinayackanur Taluk, Theni District and thereby causing hindrance to the agriculturists to fetch water for irrigation, the petitioner submitted a representation dated 19.09.2022, to the respondents 1 and 2, which according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 and 2 to consider the representation of the petitioner dated 19.09.2022, in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of 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 1 and 2 to consider the representation of the petitioner dated 19.09.2022 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, respondents 3 to 5 and any others concerned, necessary action has to be taken by the authorities for



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removal of encroachment in the said pond, 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.]
17.10.2022

Internet : Yes / No
Index : Yes / No
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To

1. The District Collector,
Theni District, Theni.

2. The Tahsildar,
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Theni District.



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