



W.P.(MD)No.24911 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.11.2022

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

and

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

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R.Vairamuthu

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep.By its Secretary,
Public Works Department,
Fort.St.George, Chennai.

2. The Chief Engineer,
Water Resources Division,
Public Works Department,
Fort.St.George, Chennai.

3. The District Collector,
Theni.

4. The Tahsildar,
Bodi Taluk, Theni District.

5. The Assistant Engineer,
Water Resources Division,
Public Works Department,
Canal Division, Bodi Taluk,
Theni District.



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6. Muthumaniammal

7. Palanisamy

8. Muthu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 3 to 5 to remove the encroachments and blocks made by the respondents 6 to 8 on PWD Channel running through Pudhuvaikal, Paravu Moonumadai, Puliadi cover Kandipillai, Kannaravaikal, in Survey numbers 801/1A, 801/1B and 802 / 3A, owned by the respondents 6 to 8 herein at Kondangipatti village, Bodi taluk, Theni District.

For Petitioner : Mr.Mr.Arjun

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R5

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 3 to 5 to remove the encroachments and blocks made by the respondents 6 to 8 on PWD Channel running through Pudhuvaikal, Paravu Moonumadai, Puliadi cover Kandipillai, Kannaravaikal, in Survey numbers 801/1A, 801/1B and 802 / 3A, at Kondangipatti village, Bodi taluk, Theni District.



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2. Heard Mr.Mr.Arjun, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 to 5.

3. Pointing out that the respondents 6 to 8 have made encroachment by blocking the watercourse and removing the boundary stones of the restored channel running through Pudhuvaikal, Paravu Moonumadai, Puliadi cover Kandipillai and Kannaravaikal, in Survey Nos.801/1A, 801/1B and 802 / 3A, at Kondangipatti village, Bodi taluk, Theni District, the petitioner submitted a representation dated 01.11.2018, to the official respondents and the same, according to 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 3 to 5, to consider the representation of the petitioner dated 01.11.2018, in accordance with law, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 3 to 5, to consider the representation of the petitioner dated 01.11.2018, if not considered earlier and if there is any encroachment as claimed by the petitioner,



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appropriate action shall be taken for removal of the same, after affording sufficient opportunity to the petitioner, respondents 6 to 8 and all other parties concerned and also by due process of law 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.]
17.11.2022

Internet : Yes / No
Index : Yes / No
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To

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