



W.P.(MD)No.24152 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2022

CORAM

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

W.P(MD)No.24152 of 2022
and W.M.P.(MD) Nos.18259 and 18260 of 2022

Jeyaramalingam

... Petitioner

Vs.

- 1.The District Collector,
Chairman of District Level Steering Committee,
Office of District Collector,
Thoothukudi, Thoothukudi District.
- 2.The District Revenue Officer,
Head of Review Committee at District Level
of Revenue Divisional Office,
Thoothukudi, Thoothukudi District.
- 3.The Revenue Divisional Officer,
Appellate Committee at Divisional Level,
Revenue Divisional Office,
Thiruchendur,
Thoothukudi District.
- 4.The Tahsildar,
Office of Tahsildar,
Sathankulam,
Thoothukudi District.
- 5.The Village Administrative Officer,
Kattarimangalam Village,
Kattarimangalam,
Thoothukudi District.



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6.The Block Development Officer,
Alwarthirunagari Panchayat Union,
Thenthriperai, Thoothukudi District.

7.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Sathankulam, Thoothukudi District.

8.Assistant Engineer (Highway Construction),
Maintenance Section,
Sathankulam Taluk,
Thoothukudi District.

9.Assistant Executive Engineer,
Public Works and Water Resource Department,
Moolakaraipatti, Nanguneri,
Tirunelveli 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 encroachments in Survey Nos.1019, 1181, 1181/1A, 1181/1B, 1181/3, 1181/4 at Kattarimangalam Village, Sathankulam Taluk, Thoothukudi District and to restore, maintain the sanctity of water stream, "Neerodai" that interconnects Ambalacheri South Tank, Kattarimangalam Village and Achampaadu Water Tank, Ezhumaramuki, Thoothukudi District in terms of the original Village Map and to prevent inundation of residential areas of the village by preserving the water flow memory of the stream, by doing such exercise, within a time frame with adequate police protection.

For Petitioner

: Mr.P.G.Thiyagu

For Respondents 1 to 6,
8 & 9

: Mr.G.V.Vairam Santhosh
Additional Government Pleader



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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 to remove the encroachments in Survey Nos.1019, 1181, 1181/1A, 1181/1B, 1181/3, 1181/4 at Kattarimangalam Village, Sathankulam Taluk, Thoothukudi District and for a further direction to restore, maintain the sanctity of water stream “Neerodai”, that interconnects Ambalacheri South Tank, Kattarimangalam Village and Achampaadu Water Tank, Ezhumaramuki, Thoothukudi District in terms of the original Village Map and to prevent inundation of residential areas of the village.

2. Heard Mr.P.G.Thiyagu, learned counsel for the petitioner, and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 6, 8 and 9 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Pointing out that several persons have made encroachment in the water stream in Survey Nos.1019, 1181, 1181/1A, 1181/1B, 1181/3, 1181/4 at Kattarimangalam Village, Sathankulam Taluk, Thoothukudi District, the petitioner submitted a representation to the official respondents on 19.09.2022 and the same, according to the learned counsel for the petitioner, remains as such. Hence, the writ petition.

4. 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 9 to dispose of the representation of the petitioner, dated 19.09.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, this Court, 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, disposes of this Writ Petition with a direction to the respondents 4 and 9 to consider the representation of the petitioner dated 19.09.2022 and pass appropriate orders on merits and in



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Thoothukudi District.

3.The Revenue Divisional Officer,
Appellate Committee at Divisional Level,
Revenue Divisional Office,
Thiruchendur,
Thoothukudi District.

4.The Tahsildar,
Office of Tahsildar,
Sathankulam,
Thoothukudi District.

5.The Village Administrative Officer,
Kattarimangalam Village,
Kattarimangalam,
Thoothukudi District..

6.The Block Development Officer,
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sj

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