



W.P.(MD)No.24101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2022

CORAM

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

W.P.(MD)No.24101 of 2022

L.Pandikumari

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,
Dindigul District, Dindigul.

3. The Tahsildar,
Nilakottai Taluk, Dindigul District.

4. V. Dhanaseelan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate steps to remove the encroachments made by the fourth respondent in the water channel situated in S.No.204/1 at Pachamalayan Kottai Village, Nilakottai Taluk, Dindigul District, within a time frame as stipulated by this Court.



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For Petitioner

: Mr.A.Chandrakumar

For Respondents

: Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 to R3

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 3 to take appropriate steps to remove the encroachments made by the fourth respondent in the water channel in S.No.204/1 at Pachamalayan Kottai Village, Nilakottai Taluk, Dindigul District, within a time frame.

2. Heard Mr.A.Chandrakumar, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents 1 to 3.

3. Pointing out that the fourth respondent has illegally encroached the aforesaid Government poramboke land in S.No.204/1, which is classified as a water channel, by putting up fencing, thereby preventing the free flow of water running to the Pachamalayankottai Oorani, the petitioner submitted a



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representation to the official respondents on 30.09.2022 and pursuant thereto, the Block Development Officer, Nilakottai Taluk, through his proceedings in Na.Ka.No.2610/2022/§4, dated 01.10.2022, has requested the third respondent/Tahsildar to conduct a survey of the place in question and fix boundary stones, but the same, according to the learned counsel for the petitioner, is not acted upon till date.

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 1 to 3 to consider and dispose of her representation dated 30.09.2022, in accordance with law, within a time frame.

5. 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 1 to 3 to consider the representation of the petitioner dated 30.09.2022 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 and all other parties



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concerned, respondents 1 to 3 are directed to take necessary action for removal of encroachments in the aforesaid watercourse, after affording an opportunity of personal 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.]
19.10.2022

Internet : Yes / No
Index : Yes / No
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