



W.P(MD)No.24290 of 2022

WEB COPY 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.24290 of 2022

N.Chithaiyan,
S/o.Nallathambi,
South Street,
Soorakkulam,
Nilaiyur Post,
Madurai – 625 005.

... Petitioner

VS.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Thiruparankundram,
Madurai District.

3.Selvam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment put up by the third respondent on the water catchment area of Valanenthall Kanmai situated at Soorakkulam Village Panchayat, Thiruparankundram Taluk, Madurai District and

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consequently direct the first and second respondents to not to issue any assignment patta, to anybody in Survey No.3/1A, Valanenthal Village, Madurai South Taluk, Madurai on the water catchment area and by considering the petitioner's representation, dated 26.09.2022.

For Petitioner : Mr.N.Sathish Babu

For RR 1 & 2 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 and 2. By consent of both sides, this writ petition is taken up for final disposal at the time of admission itself.

2.The relief sought in this writ petition is to issue a writ of mandamus, directing the respondents 1 and 2 to remove the encroachment put up by the third respondent on the water catchment area of Valanenthal Kanmai situated at Soorakkulam Village Panchayat, Thiruparankundram Taluk, Madurai District and consequently not to issue any assignment patta in respect of Survey No.3/1A, Valanenthal Village, Madurai South Taluk, Madurai, on the water catchment area, by considering the petitioner's representation, dated 26.09.2022.



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3.The learned counsel for the petitioner submitted that the third respondent encroached the water catchment area of Valanenthal Kanmai by damaging the boundary and used the same as poultry by putting up thatched roof. When the same was complained by the petitioner, the third respondent stated that he obtained patta from the revenue authorities. However, on enquiry, it came to light that no patta was issued by the second respondent to any individual in respect of S.No.3/1A in Valanenthal, Soorakkulam Village Panchayat. While so, the third respondent is attempting to construct pucca building in the water catchment area. Therefore, the petitioner made a representation on 26.09.2022 to the first respondent requesting to remove the encroachment made by the third respondent, which was not considered, till date. Finding no other alternative, he has come up with this writ petition.

4.Mr.P.Thilak Kumar, learned Government Pleader taking notice for the respondents 1 and 2, fairly submitted that the respondent authorities would consider the representation of the petitioner and pass orders, on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. Having regard to the admitted fact that the state authorities are duty bound to preserve the water bodies and prevent ecological imbalances, and also taking note of the nature of the issue involved herein, this Court directs the respondent authorities to consider the representation of the petitioner dated 26.09.2022 and take appropriate action, with regard to removal of encroachment, if any, after following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that such action will be taken by the respondent authorities, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any other interested parties.

6. The Writ Petition is disposed of with the above direction. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.10.2022

Index : Yes / No
Internet : Yes
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R.MAHADEVAN,J.

and

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**ORDER MADE IN
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20.10.2022