



**W.P.(MD) No.24698 of 2022**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.11.2022**

**CORAM:**

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

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D.Jeyabalan

... Petitioner

-vs-

- 1.The District Collector  
Theni District
- 2.The Revenue Divisional Officer  
Periyakulam  
Theni District
- 3.The Tahsildar  
Aundipatti Taluk  
Theni District
- 4.The Assistant Executive Engineer  
PWD and Water Resources Organization  
Manjalaru Sub Division Basin  
Old G.H.Road, Theni
- 5.The Block Development Officer  
Aundipatti Panchayat Union  
Aundipatti, Theni District



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WEB COPY 6.Chellachamy

7.Jeyabalan

8.Sivakumar

9.Arjunan

10.Jeyaraman

11.Kumar

12.Balu

13.Ashokkumar

14.Prakash

15.Yokkiam

16.Ravi

17.Suresh

18.Pandi

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 18 in the water course (Odai) in Survey Nos.159/1 and 164/1 of Thimmarasannaickanur Bit-I Village, Aundipatti Taluk, Theni District, based on the petitioner's representation dated 09.09.2022.



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For Petitioner : Mr.Raja Mohan.R.  
For Respondents : Mr.G.V.Vairam Santhosh  
Additional Government Pleader for R1 to R4  
Mr.P.Thilakkumar  
Government Pleader for R5

**ORDER**

**[Order of the Court was made by R.MAHADEVAN, J.]**

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the respondents 1 to 4 and Mr.P.Thilakkumar, learned Government Pleader, takes notice for the fifth respondent.

**2.** Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the private respondents is dispensed with.

**3.** With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

**4.** The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachments



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made by the respondents 6 to 18 in the water course (Odai) in Survey Nos. 159/1 and 164/1 of Thimmarasannaickanur Bit-I Village, Aundipatti Taluk, Theni District, based on the petitioner's representation dated 09.09.2022.

**5.** Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the fifth respondent, on instructions, submitted that the lands in the aforesaid survey numbers, in which, the private respondents are alleged to have made encroachments, are nothing but private patta lands.

**6.** The aforesaid submission is stoutly refuted by the learned counsel for the petitioner stating that the aforesaid survey numbers are water course and in view of the encroachment made by the private respondents in the said survey numbers, during rainy season, the rain water is flowing into the petitioner's land in Survey Nos.160/2 & 160/3.

**7.** In view of the above, to give a quietus to the issue, without going into the merits of the claim made by the petitioner, we direct the authorities concerned to consider the petitioner's representation dated 09.09.2022 and conduct a survey in Survey Nos.159/1 & 164/1 and find out



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as to whether the said survey numbers are water course or not. If there is any water course in the aforesaid survey numbers, where there is any encroachment found to be made by the private respondents as alleged by the petitioner, then the authorities concerned shall remove the same, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

**8.** With the above direction, this writ petition is disposed of. No costs.

**[R.M.D., J.]      [J.S.N.P., J.]**

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Index : Yes / No  
Internet : Yes / No

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**and**  
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