



W.P.(MD) No.25462 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

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

W.P.(MD) No.25462 of 2022

V.Kannan

... Petitioner

-VS-

- 1.The District Collector
Sivagangai District, Sivagangai
- 2.The Tahsildar
Singampunari Taluk
Sivagangai District
- 3.The Block Development Officer
Singampunari, Sivagangai District
- 4.The President
Jayankondannilai Panchayat
Jayankondannilai
Sivagangai District
- 5.Duraipandi
- 6.C.Peiymmal
- 7.Alagarsamy
- 8.Ashok Kannu



W.P.(MD) No.25462 of 2022

WEB COPY 9.Ambika

10.Karuppaiah

11.Baskaran

12.Ravi

13.Munusu

14.Palanichamy

15.Sivagami

16.Solaimalai

17.Annalakshmi

18.Matchavalavan

19.Palaiyayya

20.Karmegam

21.Malaikolundu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take necessary steps to remove the encroachments made in Karambaiyendhal Kanmoi in S.No.4B1 of Jeyankondanilai Village and in the channels bringing water to the said Kanmoi as well as taking the excess water to the field in S.No.12/6A1, Jeyankondanilai Village, Singampunari Taluk, Sivagangai District.



WEB COPY

W.P.(MD) No.25462 of 2022

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R2
Mr.V.Nirmal Kumar
Government Advocate for R3 & R4

ORDER

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

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1 & 2 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 3 & 4.

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 3 to take necessary steps to remove



W.P.(MD) No.25462 of 2022

the encroachments made in Karambaiyendhal Kanmoi in Survey No.4B1 and in the channels, which are bringing water to the said Kanmoi as well as taking the excess water to the field in Survey No.12/6A1 of Jeyankondanilai Village, Singampunari Taluk, Sivagangai District.

5. The grievance of the petitioner is that though he made a representation, dated 22.08.2022 to the first respondent seeking removal of the encroachments made by the private respondents in the aforesaid survey numbers, till date the same has not been considered.

6. The learned Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the petitioner's representation, dated 22.08.2022 would be considered and appropriate action would be taken, in accordance with law.

7. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 4 are directed to consider the petitioner's representation dated 22.08.2022 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed,



W.P.(MD) No.25462 of 2022

after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) 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.]

09.11.2022

Index : Yes / No

Internet : Yes / No

krk

To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
- 3.The Block Development Officer,
Singampunari,
Sivagangai District.
- 4.The President,
Jayankondannilai Panchayat,
Jayankondannilai,
Sivagangai District.



WEB COPY



W.P.(MD) No.25462 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

krk

W.P.(MD) No.25462 of 2022

09.11.2022