



W.P(MD) No.25707 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

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

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P.Saravanan

... Petitioner

-VS-

1. The District Collector,
Theni, Theni District.

2. The Assistant Director (Panchayat),
Theni, Theni District.

3. The Block Development Officer,
(Village Panchayat),
Periyakulam Panchayat Union, Periyakulam,
Theni District.

4. The Tahsildar,
Periyakulam, Theni District.

5. R.Venkatesan

6. P. Sasikumar

7. T. Jeyasundari

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to remove the encroachments made in the waterbody that is the stream in survey no 2823 and 2808/2 of Lekshmipuram Village, Theni District, by considering the representation of the petitioner dated 23.02.2022, within a time frame that may be fixed by this Hon'ble court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Thilak Kumar,
Government Pleader
for R1, R2 and R4
Mr.S.P.Maharajan
Special Government Pleader for 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 to remove the encroachments made in the waterbody in Survey Nos. 2823 and 2808/2 of Lekshmipuram Village, Theni District, by considering his representation dated 23.02.2022, within a time frame.



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2. Heard Mr.S.C.Herold Singh, learned counsel for the petitioner; Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1, 2 and 4 and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Pointing out that some encroachments were made in the aforesaid survey numbers, which is said to be a waterbody at Lekshmipuram Village, Theni District, the petitioner submitted a representation to the first respondent on 23.02.2022 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 4, to consider the representation of the petitioner dated 23.02.2022, in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the



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petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 4, to consider the representation of the petitioner dated 23.02.2022, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner as well as all the parties concerned and also by due process of law 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.]
14.11.2022

Index : Yes / No
Internet : Yes / No
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