



W.P(MD) No.26093 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

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

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T.Mariappan

... Petitioner

-VS-

1. The District Collector,
Tenkasi,
Tenkasi District.

2. The Tahsildar,
Sivagiri,
Sivagiri Taluk,
Tenkasi District.

3. The Assistant Engineer,
Water Resources Department,
Melavaipparu Basin Division,
Public Works Department,
Sankarankovil, Tenkasi District.

4. Karuthappandi

... 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 remove the encroachment allegedly caused by the fourth respondent in Survey



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No.23, Marukkaal Oodai and Survey No.25 Kalvay (Water stream area), Sivagiri Part-II Vilalge, Sivagiri Taluk, Tenkasi District, within time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.S.P.Maharajan,
Special 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 remove the alleged encroachment made by the fourth respondent in Survey No.23, Marukkaal Oodai and Survey No.25, Sivagiri Part-II Village, Sivagiri Taluk, Tenkasi District, within a time frame.

2. Heard Mr.T.Indrachithu, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

4. Pointing out that the fourth respondent, who is running brick kiln without valid license has been engaged in illegal sand mining by encroaching the waterbodies in Survey No.23, Marukkaal Oodai and Survey No.25, Sivagiri Part-II Vilalge, Sivagiri Taluk, Tenkasi District, and thereby reducing the water stream area, the petitioner submitted a representation to the first respondent on 14.03.2022 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 3, to consider the representation of the petitioner dated 14.03.2022, in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 4, to consider the representation of the petitioner dated 14.03.2022, if not considered earlier and if there is any encroachment as



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claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner, fourth respondent and all other parties concerned and also by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
18.11.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

1. The District Collector,
Tenkasi,
Tenkasi District.
2. The Tahsildar,
Sivagiri,
Sivagiri Taluk,
Tenkasi District.
3. The Assistant Engineer,
Water Resources Department,
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