



W.P.(MD)No.26184 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

CORAM

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

W.P(MD)No.26184 of 2022

Selvam

... Petitioner

Vs.

- 1.The District Collector,
O/o. District Collector,
Madurai – 625 020.
- 2.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Usilampatti,
Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk Office,
Madurai District.
- 4.The Superintending Engineer,
Periyar Vaigai Basin Circle,
Public Works Department,
Thallakulam,
Madurai - 625 002.
- 5.The Executive Engineer,
Water Resource Department,
Public Works Department,
Thallakulam,
Madurai – 625 002.



W.P.(MD)No.26184 of 2022

6.The Assistant Executive Engineer,
Water Resource Department,
Public Works Department,
Thallakulam,
Madurai – 625 002.

7.The Assistant Engineer / Junior Engineer,
Water Resource Department,
Kuppanampatti,
Revenue Divisional Office Campus,
Usilampatti,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents to remove all the encroachments put upon the water supply channel and Kuravakudi Kanmai situated in Kuravakudi Village Survey Nos. 58, 59, 60 and 61, Kuravakudi Village, Usilampatti Taluk, Madurai District and preserve the same in the original position based on petitioner representation dated 12.09.2022 and subsequent representation dated 04.11.2022 within a stipulated time that may be fixed by this Honble Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.P.Thilak Kumar
Government Pleader

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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



W.P.(MD)No.26184 of 2022

remove all the encroachments made in the water supply channel and Kuravakudi Kanmai situated in Survey Nos. 58, 59, 60 and 61, Kuravakudi Village, Usilampatti Taluk, Madurai District, and to preserve the same in its original position based on his representations dated 12.09.2022 and dated 04.11.2022, within a time frame.

2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Alleging that the respondents have failed to maintain the water supply channel and Kuravakudi Kanmai situated in Survey Nos. 58, 59, 60 and 61, Kuravakudi Village, Usilampatti Taluk, Madurai District, and in view of the same many persons have encroached the same and obtained patta, the petitioner submitted a representation dated 12.09.2022, to the first respondent to cancel the pattas and to remove the encroachment and though communications were sent between respondents 1 to 3 no further



W.P.(MD)No.26184 of 2022

action has been taken and hence, the petitioner submitted another representation dated 04.11.2022 to the respondents, and the same also, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the respondents to dispose of his representations dated 12.09.2022 and 04.11.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the first respondent to consider the representations of the petitioner dated 12.09.2022 and 04.11.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and any other parties concerned, the



W.P.(MD)No.26184 of 2022

authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed 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.]
21.11.2022

Internet : Yes / No

Index : Yes / No

sj

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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

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W.P(MD)No.26184 of 2022

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