



W.P.(MD)No.26470 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

CORAM

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

W.P(MD)No.26470 of 2022

Neer Payanpaduthuvor Sangam and
Thulliya Vivasaya Sangam,
Rep. by its President, K.Karuppiah,
Kandipatti, Kalaiyar Kovil Taluk,
Sivagangai District,
Now residing at
52, Railway Station Road,
Sivagangai.

... Petitioner

Vs.

- 1.The Secretary to the Government,
Revenue Department,
Ezhilagam, Chennai.
- 2.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 4.The Tahsildhar,
Kalaiyar Kovil Taluk,
Sivagangai District.



W.P.(MD)No.26470 of 2022

5.The Block Development Officer,
Kalaiyar Kovil Block,
Sivagangai District.

6.Manickavel

7.Seenivasan

8.Vijayalaxmi

9.Manimegalai

10.Devaraj

11.Indhulaxmi

12.Selvaraj

13.Shanmugam

14.Kumarasamy

15.Murugesan

16.Periyasamy

17.Meenaksi

18.Devaraj

19.Malarkodi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd respondent to remove the encroachments made by the Respondents No.6 to 19 and other individuals in irrigation channels of Sengudi Kanmai, Periyamelakandi Kanmai, Chinnamelakkandi Kanmai and Kandikanmai situated in Vaniangudi Group, Muthur Vaniangudi



W.P.(MD)No.26470 of 2022

Panchayat, Kalaiyarkovil Union, Sivagangai District, by considering the welfare of the agriculturists on the basis of the representation dated 10.06.2022.

For Petitioner : Mr.N.Jeyaram Sidhrth

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

For 5th Respondent : Mr.V.Nirmal Kumar
Government Advocate

* * *

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 2nd respondent to remove the encroachments made by the Respondents No.6 to 19 and other individuals in irrigation channels of Sengudi Kanmai, Periyamelakandi Kanmai, Chinnamelakkandi Kanmai and Kandikanmai situated in Vaniangudi Group, Muthur Vaniangudi Panchayat, Kalaiyarkovil Union, Sivagangai District, by considering the welfare of the agriculturists on the basis of their representation dated 10.06.2022.

2. Heard Mr.N.Jeyaram Sidhrth, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who



W.P.(MD)No.26470 of 2022

accepts notice on behalf of the respondents 1 to 4 and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the 5th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 6 to 19 is dispensed with.

4. Alleging that the respondents 6 to 19 and other individuals have made encroachment in the irrigation channels of Sengudi Kanmai, Periyamelakandi Kanmai, Chinnamelakkandi Kanmai and Kandikanmai situated in Vaniangudi Group, Muthur Vaniangudi Panchayat, Kalaiyarkovil Union, Sivagangai District, the petitioner submitted a representation to the official respondents on 10.06.2022, and the same, 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, they would be satisfied, if a direction is issued to the 4th respondent to



W.P.(MD)No.26470 of 2022

dispose of their representation dated 10.06.2022, 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 4th respondent to consider the representation of the petitioner dated 10.06.2022, 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, the respondents 5 to 19 and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties and by following due process of law. Such an exercise shall be completed 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.]
24.11.2022

Index : Yes / No
sj



W.P.(MD)No.26470 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

To

- 1.The Secretary to the Government,
Revenue Department,
Ezhilagam, Chennai.
- 2.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 4.The Tahsildhar,
Kalaiyar Kovil Taluk,
Sivagangai District.
- 5.The Block Development Officer,
Kalaiyar Kovil Block,
Sivagangai District.

W.P(MD)No.26470 of 2022

24.11.2022