



W.P(MD) No.26570 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

CORAM:

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

W.P.(MD) No.26570 of 2022

M.Abdul Salam

... Petitioner

-VS-

1. The District Collector,
Dindigul District Dindigul.

2. The Revenue Divisional Officer,
Revenue Divisional Office, Palani,
Dindigul District.

3. The Tahsildar,
Palani Taluk Office, Dindigul District.

4. The Executive Engineer,
PWD/Water Resources Department,
Nanganjiyaru Vadinila Kottam, Palani,
Dindigul District.

5. The Assistant Engineer,
PWD/Water Resources Department, Palaru
Porunthalaru Dam Division, Palaru Dam,
Palani, Dindigul District.

... Respondents



W.P(MD) No.26570 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents forthwith to remove the encroachment made by the private persons in the Palaru water channel and water catchment area of palaru comprised in survey no 386 situated at Balasamudram village, Palani Taluk, Dindigul District and restore the same in original position by considering the petitioner representation dated 20.07.2022 within time stipulated by this Honble court.

For Petitioner : Mr.C.Abdul Kalam Azad

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 to R5

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 5, to remove the encroachment made by the private persons in Palaru water channel and water catchment area in Survey No.386, Balasamudram village, Palani Taluk, Dindigul District and restore the same to its original position by considering his representation dated 20.07.2022, within a time frame.



W.P(MD) No.26570 of 2022

WEB COPY

2. The learned counsel for the petitioner submitted that some unknown persons have made encroachments by laying mud beds and cropping coconut trees in Survey No.386, Balasamudram village, Palani Taluk, Dindigul District and despite the representation dated 20.07.2022, sent to the official respondents, no action was taken by them. Hence, this writ petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that the authorities concerned will conduct survey in the land in question and if there is any encroachment, necessary action will be taken for removal of the encroachment, by following due process of law, within a time frame.

4. Recording the said submission of the learned Additional Government Pleader appearing for the respondents 1 to 5, this Writ Petition is disposed of with a direction to the respondents 1 to 5 to conduct a survey of the land in question, in the presence of the petitioner and any others concerned, and if there is any encroachment as alleged by the petitioner, necessary action has to be taken by the authorities for



W.P(MD) No.26570 of 2022

removal of encroachment, after affording sufficient opportunity to all the parties concerned 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.]
25.11.2022

Index : Yes / No
Internet : Yes / No
pkn

To

1. The District Collector,
Dindigul District Dindigul.
2. The Revenue Divisional Officer,
Revenue Divisional Office, Palani,
Dindigul District.
3. The Tahsildar,
Palani Taluk Office, Dindigul District.
4. The Executive Engineer,
PWD/Water Resources Department,
Nanganjiyaru Vadinila Kottam, Palani,
Dindigul District.
5. The Assistant Engineer,
PWD/Water Resources Department, Palaru
Porunthalaru Dam Division, Palaru Dam,
Palani, Dindigul District.



WEB COPY



W.P(MD) No.26570 of 2022

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

pkn

W.P.(MD) No.26570 of 2022

25.11.2022