



W.P.(MD) No.26623 of 2022

WEB COPY 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.26623 of 2022

N.Anbarasan

... Petitioner

Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Srirangam Revenue Division,
Trichy District.
- 3.The Tahsildar,
Manapparai Taluk,
Trichy District.
- 4.The Block Development Officer,
Manapparai Taluk,
Trichy District.



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WEB CRYM 5.Ramasamy

6.Jayaraman

7.Mani

8.Selvarasu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 8 in S.F.No.544 to an extent of 9.035 sq.ft., S.F.Nos.493, 517 & 519 situated at Kuthiraikuthipatti, Thoppampatti Village, Thoppampatti Panchayat, Manapparai Taluk, Trichy District, based on the petitioner's representation dated 16.06.2022 and restore the water body to its original shape and size along with catchment area within time frame.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 to R3

Mr.S.P.Maharajan,
Spl. Govt. Pleader for R4



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 8 in S.F.No.544 to an extent of 9.035 sq.ft. and S.F.Nos.493, 517 & 519 situated at Kuthiraikuthipatti, Thoppampatti Village, Thoppampatti Panchayat, Manapparai Taluk, Trichy District, based on the petitioner's representation dated 16.06.2022, and restore the water body to its original shape and size along with catchment area, within time frame.

2. Heard Mr.A.Thiyagarajan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the respondents 1 to 3 and Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice for the fourth respondent. In view of the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 5 to 8 is dispensed with.



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4. It is the claim of the petitioner that the respondents 5 to 8 have made encroachment in the water body in the aforesaid survey numbers and in this regard, the petitioner made a representation on 16.06.2022 to the respondents seeking to remove the aforesaid encroachment. Pursuant to the same, the 1st respondent vide his proceedings in O.Mu.Aa.1/21852/2022, dated 30.06.2022, directed the respondents 2 to 4 to take action on the said representation. However, till date, no steps have been taken by the respondents to remove the aforesaid encroachment. Hence, the petitioner has filed this Writ Petition.

5. The learned Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 16.06.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, by due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.



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6. Recording the above submission, this Writ Petition is disposed of with a direction to the respondents 3 to 4 to consider and dispose of the representation of the petitioner dated 16.06.2022, on merits and in accordance with law. If there is any encroachment in the water body, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

25.11.2022

To

- 1.The District Collector,
Trichy District,
Trichy.
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3.The Tahsildar,
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