



W.P.(MD) No.26898 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.26898 of 2022

Mookkaye

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Sriengam Revenue Division,
Vannankovil, Trichy District.

3.The Tahsildar,
Marungapuri Taluk Office,
Marungapuri Taluk, Trichy District.

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4.The Block Development Officer (Village Panchayats),

Manapparai Panchayat Union,

Manapparai Taluk, Trichy District.

5.The President,

Podankupatti Village Panchayat,

Manapparai Panchayat Union,

Manapparai Taluk, Trichy District.

6. Thiyagarajan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in S.F.No.95/8, Government land 'Podankupatti Oorani' classified as Water body situated at Podankupatti, Thathanoor Village Marungapuri Taluk, Trichy District on the basis of the petitioner's representation dated 10.11.2022 within the time frame fixed by this Court.

For Petitioner : Mr.K.P.T.Alagarsamy

For R1 to R4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader



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ORDER

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

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in S.F.No.95/8, Government land 'Podankupatti Oorani' classified as Water body situated at Podankupatti, Thathanoor Village Marungapuri Taluk, Trichy District on the basis of the petitioner's representation dated 10.11.2022 within a time frame.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 5 and 6 is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for disposal at the stage of admission itself.



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4.Pointing out the aforesaid encroachment made by the 6" respondent in the water body in question, the petitioner sent a representation dated 23.09.2022 to the respondents 3 and 4. However, they have not taken any steps to consider her representation. Hence, she made another representation dated 10.11.2022 to the official respondents. Finding inaction on the part of the official respondents, this Writ Petition is filed.

5.The learned Additional Government Pleader for the respondents I to 4 submitted that the representations of the petitioner dated 23.09.2022 and 10.11.2022 would be considered on merits and appropriate action would be taken for removal of encroachment, if any in the water body in question by following due process of law, within a time frame.

6.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representations of the petitioner dated 23.09.2022 and 10.11.2022 and pass appropriate orders on

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merits and in accordance with law. If there is any encroachment in the water body in question, the same shall be removed by the authorities concerned, 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.

7. With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
29.11.2022

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
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Vannankovil, Trichy District.

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3.The Tahsildar,
Marungapuri Taluk Office,
Marungapuri Taluk, Trichy District.

4.The Block Development Officer (Village Panchayats),
Manapparai Panchayat Union,
Manapparai Taluk, Trichy District.

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