



W.P(MD) No.27064 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

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

**W.P.(MD) No.27064 of 2022
and
WMP(MD) No.21227 of 2022**

M.Logeswari

... Petitioner

-VS-

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The Commissioner,
Sivakasi Corporation, Sivakasi,
Virudhunagar District.

3. The District Revenue Officer,
Virudhunagar, Virudhunagar District.

4. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

5. The Tahsildar,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to take necessary action by removing the illegal encroachment made in the exiting point and water channel in S.No.1703 of Kadambankulam Kanmai (S.No.



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1551) enabling the Kanmai water to reach its destination i.e., Pappankulam Kanmai, by avoiding the water to get stagnated in and around the Nehru Colony, Vivekanandar Colony and Muthuramalingapuram Colony of Pallapatti Village Panchayat, Sivakasi Union, Virudhunagar District, on the basis of the petitioner's representation dated 04.12.2021, within a stipulated time that may fixed by this Honourable Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.N.GA.Nataraj,
Government Advocate
for R1, R3 to R5
Ms.S.Devasena
Standing Counsel for R2

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 take necessary action by removing the illegal encroachments made in the water channel in S.No.1703 of Kadambankulam Kanmai (S.No.1551), thereby enabling the Kanmai water to reach its destination i.e., Pappankulam Kanmai, by avoiding the water stagnation in and around the Nehru Colony, Vivekanandar Colony and Muthuramalingapuram Colony of Pallapatti Village Panchayat, Sivakasi Union, Virudhunagar District, on the basis of her representation dated 04.12.2021, within a time frame.



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2. Heard Mr.P.Kalaiyarasi Bharathi, learned counsel for the petitioner; Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1, 3 to 5; and Ms.S.Devasena, learned Standing Counsel, who accepts notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Pointing out that due to the aforesaid encroachment, the Kanmoi water is stagnated in the residential colony which results in health issues of the residents concerned, the petitioner submitted a representation to the President, Pallapatti Panchayat, on 04.12.2021 and the same, according to the learned counsel for the petitioner, remains as such.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, she would be satisfied if a direction is issued to the respondents 1 to 5 to consider and dispose of her representation dated 04.12.2021, in accordance with law, within a time frame.



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5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 5, to consider the representation of the petitioner dated 04.12.2021, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity to all other parties concerned and also by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
01.12.2022

Index : Yes / No
Internet : Yes / No
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