



W.P.(MD) No.27163 of 2022

WEB COPY 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.27163 of 2022

M.Swaminathan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.
- 3.The Tahsildar,
Karaikudi Taluk Office,
Sivagangai District.
- 4.The Tahsildar,
Thiruppathur Taluk Office,
Sivagangai District.



W.P.(MD) No.27163 of 2022

WEB CRYM 5.Karu. Sevugan

6.Karu. Velu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.03.2021 and consequently direct the respondents to remove the encroachment in Survey No.115, Vettichi Oorani, S.No.125, Sukkanoorani, situated at Manickkanenthall Village, Kallupatti Panchayat, Kallal Union, Thiruppathur Taluk, Sivagangai District and Survey No.293/3, Anikundu Oorani, S.No.15, Aruvanikanmai, Public Street, Survey Nos.303, 309, 311, 315, 41, 293/6, 304/3, 289/2 and 289/3 situated at Purandi Village, Sembanor Post, Kallal Panchayat, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 to R4

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 1st respondent to consider the petitioner's representation dated



W.P.(MD) No.27163 of 2022

WEB COPY 09.03.2021 and consequently direct the respondents to remove the encroachment in Survey No.115, Vettichi Oorani, S.No.125, Sukkanoorani, situated at Manickkanenthal Village, Kallupatti Panchayat, Kallal Union, Thiruppathur Taluk, Sivagangai District, Survey No.293/3, Anikundu Oorani, S.No.15, Aruvanikanmai, Public Street and Survey Nos.303, 309, 311, 315, 41, 293/6, 304/3, 289/2 and 289/3 situated at Purandi Village, Sembanor Post, Kallal Panchayat, Karaikudi Taluk, Sivagangai District.

2. Heard Mr.P.Muthusamy, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the respondents 1 to 4. Considering the nature of the 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 final disposal at the admission stage itself.



W.P.(MD) No.27163 of 2022

WEB COPY

4. It is the claim of the petitioner that the respondents 5 and 6 have made encroachment on the water bodies in the aforesaid survey numbers and in this regard, though the petitioner made a representation on 09.03.2021 to the first respondent seeking to remove the aforesaid encroachment, till date, no steps have been taken by the 1st respondent to remove the same. Hence, the petitioner has filed this Writ Petition.

5. The learned Government Pleader appearing for the respondents 1 to 4 submitted that the representation of the petitioner dated 09.03.2021 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question, by due process of law, for which, the learned counsel for the petitioner is agreeable.

6. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 09.03.2021, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities



W.P.(MD) No.27163 of 2022

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 eight (8) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.
- 3.The Tahsildar,
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W.P.(MD) No.27163 of 2022

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W.P.(MD) No.27163 of 2022

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