



W.P.(MD)No.27086 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

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

W.P(MD)No.27086 of 2022

V.Ilaiyaraja

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Commissioner,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai District.
- 3.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Revenue and Disaster Management Department,
Revenue Administration, Maduari South,
District Collector Office Campus,
Madurai District.
- 4.The Superintending Engineer,
Office of the Superintending Engineer,
Department of Water Resources,
Periyaar Vaigai Vadinila Vattam,
Madurai District.
- 5.The Chief Engineer,
Office of the Chief Engineer,
Madurai Electricity Distribution Zone/Metro,



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Tamilnadu Generation and Distribution Corporation,
K.Pudur, Madurai District.

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents herein to remove the encroachment in Town S.No.71, Block No.8, Survey Ward No.1-A, Anuppanadi Revenue village, Madurai South, Madurai District, which is classified as Oorani (Water body) to an extent 0.8790.0 Square Meter in the light of the Judgment rendered in WP(MD)No.22163/2018, dated 27.01.2022, by considering petitioner's representation dated 12.08.2022.

For Petitioner : Mr.K.Mathan

For Respondents 1, 3 to 5 : Mr.S.P.Maharajan
Special Government Pleader

For 2nd Respondent : Mr.K.K.Kannan
Standing Counsel

* * *

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 remove the encroachment in Town S.No.71, Block No.8, Survey Ward No.1-A, Anuppanadi Revenue village, Madurai South, Madurai District, which is classified as Oorani (Water body) to an extent 0.8790.0 Square Meter, in the light of the Judgment rendered in



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WP(MD)No.22163/2018, dated 27.01.2022, by considering his representation dated 12.08.2022.

2. Heard Mr.K.Mathan, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1, 3 to 5 and Mr.K.K.Kannan, learned Standing Counsel, who accepts notice on behalf of the 2nd respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Alleging that encroachments have been made in the Oorani to an extent 0.8790.0 Square Meter in Town S.No.71, Block No.8, Survey Ward No.1-A, Anuppanadi Revenue village, Madurai South, Madurai District, by constructing buildings, including the Madurai Corporation Drainage Water Pumping Station, Pandian Cooperative Society Kerosene Distribution Shop and a Temple, the petitioner submitted a representation to the official respondents on 12.08.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.



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4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the 1st respondent to dispose of his representation dated 12.08.2022, within a time frame.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 12.08.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and any other parties concerned, the authorities shall take necessary action for removal of the encroachments, after affording an opportunity of hearing to all the parties and by following due process of law. Such an exercise shall



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be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
30.11.2022

Internet : Yes / No

Index : Yes / No

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To

- 1.The District Collector,
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Madurai District.
- 2.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Revenue and Disaster Management Department,
Revenue Administration, Maduari South,
District Collector Office Campus,
Madurai District.
- 3.The Superintending Engineer,
Office of the Superintending Engineer,
Department of Water Resources,
Periyaar Vaigai Vadinila Vattam,
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- 4.The Chief Engineer,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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