



W.P.(MD) No.27307 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27307 of 2022

K.Ramar

... Petitioner

-Vs-

1.The District Collector,
Theni District,
Theni.

2.The Superintending Engineer,
Public Works Department,
Water Resources Department,
Theni District.

3.The Tahsildar,
Andipatti, Theni District.

4.The Block Development Officer,
Panchayat Union East,
Andipatti, Theni District.

5.V.Karuppiyah

6.K.Malar

... Respondents

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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 (Culvert constructed over water channel of Andipatti Tank, Pitchampatti Village, Andipatti Taluk, Theni District comprising Survey No.603/3) made by the respondents 5 and 6 based on the representation dated 18.04.2022.

For Petitioner : Mr.B.Jeyakumar

For R1 to R4 : Mr.P.Thilak Kumar,
Government Pleader

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 4 to remove the encroachment (Culvert constructed over water channel of Andipatti Tank, Pitchampatti Village, Andipatti Taluk, Theni District comprising Survey No.603/3) made by the respondents 5 and 6 based on the representation dated 18.04.2022 within a time frame.

2.Mr.P.Thilak Kumar, learned 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.

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

4.According to the petitioner, earlier, the respondents 5 and 6 made encroachment upon the water body in question by constructing a culvert over the same to reach their patta land. Hence, the petitioner filed W.P.(MD)No.4259 of 2013 before this Court, seeking removal of the same, wherein, this Court, by an order dated 23.04.2013, directed the 3rd respondent to take appropriate action for removal of the encroachment made by the respondents 5 and 6. In compliance of the same, the the 3rd respondent removed the aforesaid encroachment. Thereafter, the respondents 5 and 6 again made encroachment upon the very same water body in question. Hence, the petitioner made a representation 21.02.2021 to the official respondents, seeking removal of the aforesaid encroachment. On receipt of the same, when the official respondents made inspection on the water body in question, the respondents 5 and 6 prevented the official respondents. Hence, the petitioner made a complaint against the

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respondents 5 and 6 in Crime No.79 of 2022 before the jurisdictional Police Station concerned and sent another representation dated 18.04.2022 to the 1st respondent. Finding inaction on the part of the 1st respondent, the petitioner has filed this Writ Petition.

5.The learned Government Pleader for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner dated 18.04.2022 would be considered on merits and appropriate action would be taken by the authorities concerned for removal of the 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 representation of the petitioner dated 18.04.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the water body in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process



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of law, within a period of twelve (12) 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.]
02.12.2022

Index : Yes / No

Internet : Yes / No

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1. The District Collector,
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Water Resources Department,
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