



W.P.(MD) No.27287 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.27287 of 2022

Chithambaram

... Petitioner

-Vs-

- 1.The District Collector,
Tenkasi, Tenkasi District.
- 2.The Executive Engineer,
Public Works Department,
Chittar Basin Circle,
Tenkasi, At Kudiyiruppu,
Courtallam, Tenkasi District-627802.
- 3.The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Basin Division, Kadayam,
Tenkasi District.
- 4.The Tahsildar,
Ambasamudram Taluk,
Tenkasi District.

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5.The Inspector of Police,
Kadayam Police Station,
Tenkasi District.

6.Sangu Krishnan

7.Rajesh

8.Nagarajan

... 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 encroachments made by the respondents 6 to 8 and any others in the channel of Ramanathi Reservoir situated in Melakadayam Village, Tenkasi Taluk, Tenkasi District.

For Petitioner : Mr.R.J.Karthick

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

For R5 : Mr.T.Senthil Kumar
Additional Public Prosecutor

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 encroachments made by the respondents 6 to 8 and any others in the channel of Ramanathi Reservoir situated in Melakadayam Village, Tenkasi Taluk, Tenkasi District within a time frame.

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2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 to 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the 5th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 6 to 8 is dispensed with.

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, pointing out that the 6th respondent made encroachment upon a portion of the land in Survey No.109/1A, the petitioner and his brothers have given several representations to the respondents 1 to 5, lastly on 20.12.2021. Finding inaction on the part of the respondents 1 to 5, he filed W.P.(MD)No.1345 of 2022, seeking a direction to the respondents to consider his representation as well as to ensure the irrigation facility to his land in Survey No.94/3 situated at Melakadayam Village, wherein



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this Court, by an order dated 15.02.2022, directed the respondents to consider the representation of the petitioner on merits and in accordance with law, within a period of twelve weeks. Since no steps were taken by the respondents 1 to 5, the petitioner made several representations to the officials, lastly on 18.11.2022. However, the same has not been considered till date. Hence, this Writ Petition.

5.The learned Additional Government Pleader for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner dated 18.11.2022 would be considered on merits and appropriate action would be taken for removal of encroachment, if any, in the place 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 18.11.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same would be removed by the authorities concerned, after affording sufficient



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opportunity to all the parties concerned and by following due process 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.]
01.12.2022

Index : Yes / No

Internet : Yes / No

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