



W.P.(MD)No.22650 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.22650 of 2017

1.S.Palaniappan
2.PR.Ramasamy
3.KR.Palaniappan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary,
Public Works Department,
Secretariat, Chennai.

2.The District Collector,
Pudukottai & District.

3.The Executive Engineer,
Public Works Department,
Water Resource Department,
Therkku Vellar Vadinilakottai,
Pudukottai – 622 001.

4.The Assistant Engineer,
Public Works Department (Irrigation),
Arimalam Post, Thirumayam Taluk,
Pudukottai District.

5.The Tahsildar,
Thirumayam & Taluk, Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to carry out eviction of encroachment in Kaanaappur Kanmoi situated in Survey No.215 over



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an extent of 99 hectares at Kaanappur Village, Thirumayam Taluk,
Pudukottai District.

For Petitioners :Mr.N.Balakrishnan

For Respondents :Mr.S.P.Maharajan

Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to carry out eviction of encroachment in Kaanaappur Kanmoi situated in Survey No.215 over an extent of 99 hectares at Kaanappur Village, Thirumayam Taluk, Pudukottai District.

2.When the matter is taken up for hearing, the learned Special Government Pleader, on instructions from the revenue department, submits that no encroachment is found in the subject land, as alleged by the petitioners. The statement of the learned Special Government Pleader, is recorded.

3.In view of stand taken by the learned Special Government Pleader on instructions from the revenue officials, this Court is not inclined to entertain this Writ Petition. However, it is open to the



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petitioners to approach the Civil Court, in case the petitioners have right under common law.

4. Recording statement of the learned Special Government Pleader, this Writ Petition is dismissed for want of merits. However, the revenue officials are directed to ensure that every water body is available with full extent and maintained as water body for the public purpose. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
24.08.2022

Index : Yes / No
cmr
To

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and

S.SRIMATHY, J.

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