



W.P(MD)No.28749 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28749 of 2022

Valai Muthusamy

... Petitioner

VS.

1.The District Collector,
Virudhunagar District.

2.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

3.The Executive Officer,
Kariapatti Town Panchayat,
Kariapatti.

4.The Assistant Engineer,
P.W.D / W.R.O,
Irrigation Section,
Kariapatti,
Virudhunagar District.

5.Ramarajan

6.Raja Ambigeswaran

7.Jothilakshmi

8.Adhilakshmi

... Respondents



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WEB PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 3 and 4 to remove the waterbody encroachment made by the respondents 5 to 8 by constructing an unauthorized causeway and culvert over the water channel in Survey No.32/12 in Kattukuthagai, Karisalkulam Village in Kariapatti Taluk, by disposing the petitioner's representation, dated 22.09.2022.

For Petitioner : Mr.S.Saravana Kumar

For RR 1, 2 & 4 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 3 and 4 to remove the water body encroachment made by the respondents 5 to 8 by constructing an unauthorized causeway and culvert over the water channel in Survey No. 32/12 in Kattukuthagai, Karisalkulam Village in Kariapatti Taluk, by disposing the petitioner's representation, dated 22.09.2022.



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2. According to the petitioner, he is a resident of Kariappatti and a water supply channel is situated in Survey No.32/12 in Kattukuthagai Kaisalkulam Village. While so, the respondents 5 to 8 have encroached upon the water body by constructing a causeway over the said water channel in the abovesaid survey number, without obtaining any permission from the authority. Hence, the petitioner made a representation, dated 22.09.2022 to the official respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. The learned Government Pleader appearing for the respondents 1, 2 & 4, on instructions, submitted that the representation of the petitioner, dated 22.09.2022 would be considered and appropriate action will be taken in accordance with law.

4. In view of the abovesaid submission, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 22.09.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice to all other parties including the respondents 5 to 8, the fourth respondent shall



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take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
ps

[D.K.K.,J.] [R.V.,J.]
22.12.2022



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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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