



W.P.No.2928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

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Thamaraiselvi

.. Petitioner

Versus

1. The District Collector,
Tiruppur,
Tiruppur District.
2. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.
3. The Tahsildar,
Tiruppur South,
Tiruppur District.
4. The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.
5. The Executive Officer,
Nallur Municipality,
Tiruppur.



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6. The President,
Muthanapalayam Panchayat Union,
Vijayapuram via,
Tiruppur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 to 3 to remove the encroachment made by the respondent No.7 and other encroachers in the Sabarai Canal Odai comprised in S.No.414, 211 situated at Muthanapalayam, Nallur, Tiruppur District and to provide free flow of water flow in the water canal by considering the petitioner representation dated 05.7.2021 and 09.11.2022.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.A.Selvendran (R1 to R6)
Special Government Pleader

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The relief sought in this Writ Petition is to issue a writ of mandamus directing the Respondents 1 to 3 to remove the encroachment made by the 7th Respondent and other encroachers in the Sabarai Canal Odai comprised in S.No.414, 211 situated at Muthanapalayam, Nallur, Tiruppur District and to provide free flow of water in the water canal by considering the petitioner's representations dated 05.7.2021 and 09.11.2022.



2. According to the petitioner, she is an agriculturist by avocation and more than ten thousand persons are residing in her area. A water channel is running in her village, which is called as "Sabari Canal Odai" and it flows through the patta lands, side of the Road and at last, it ends to Noyyal River. Due to urbanization, houses and industries have mushroomed, which lead to discharge of sewage water through the water canal. While so, the 7th Respondent and persons, whose lands are adjacent to the water canal, had closed the canal by way of dumping sands for their personal benefits. In this context, the villagers made several representations to the 3rd Respondent for removal of the encroachments. The 5th Respondent has also sent a communication to the 3rd Respondent in this regard. Finding no action, the petitioner sent a representation dated 05.07.2021, followed by another representation dated 09.11.2022 to the Respondents, which also yielded no response. Therefore, the petitioner is before this court with the present writ petition for the above stated relief.

3. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader, who accepts notice on behalf of the Respondents 1 to 6.

4. Considering the limited scope of the prayer sought for by the petitioner,



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without expressing any opinion on the merits of the case, there shall be a direction to the respondents to consider the petitioner's representations dated 05.07.2021 and 09.11.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

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

[R.M.D., J.] [M.S.Q., J.]
03.02.2023

Index : Yes / No
Internet : Yes / No
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To

1. The District Collector,
Tiruppur,
Tiruppur District.
2. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.
3. The Tahsildar,
Tiruppur South,



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Tiruppur District.

4. The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.
5. The Executive Officer,
Nallur Municipality,
Tiruppur.
6. The President,
Muthanapalayam Panchayat Union,
Vijayapuram via,
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R. MAHADEVAN, J.
and



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MOHAMMED SHAFFIQ, J.

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