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W.P.No.743 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.No.743 of 2018

S.Swaminathan

...Petitioner

Vs

1.The Secretary to the Government,
Public Works Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai.

2.The District Collector,
Coimbatore,
Coimbatore District.

3.The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.

4.The Tahsildar,
Coimbatore,
Coimbatore District.

5.The Assistant Executive Engineer,
Public Works Department,
Irrigation Sub Division,
Coimbatore.



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6.C.M.S.College of Science and Commerce,
Rep. By its Chairman,
Chinnavedampatti,
Coimbatore.

7.C.M.S.Institute of Management Studies,
Rep. By its Chairman,
Chinnavedampatti,
Coimbatore.

8.C.M.S.Academy of Management and Technology,
Rep. By its Chairman,
Chinnavedampatti,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents No.1 to 5 to remove the encroachment made by the respondent No.6 to 8 in the water channel comprised in S.No.550/2B, 549/2, 548/1B, 548/2B situated at Chinnavedampatti, Coimbatore, Coimbatore District and to provide free flow of water from the Chinnavedampatti main water channel to the petitioner by considering his representation dated 11.11.2017.

For Petitioner : Mr.K.Myilsamy.

For Respondents : Mr.A.Selvendran, Special
Government Pleader for R1 to R5.

Mr.R.Bharath Kumar for R6 to R8.



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ORDER

[Order of the Court was made by R.MAHADEVAN,J.]

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directing the respondent authorities to remove the encroachment made by the respondents 6 to 8 in the water channel comprised in S.No.550/2B, 549/2, 548/1B, 548/2B situated at Chinnavedampatti, Coimbatore, Coimbatore District by considering the petitioner's representation dated 11.11.2017.

2.When this matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents 1 to 5 drew the attention of this Court to the affidavit filed by the fifth respondent wherein it was stated as follows;

“1.I am the Assistant Executive Engineer, Public Works Department, Irrigation Sub-Division, Coimbatore and as such am well acquainted with the facts of the case based on the records available in our office file. I deny all the allegations and averments contained in the affidavit filed in support of the writ petition except those which are specifically admitted herein and the petitioner is put to strict proof of the same. I am filing this affidavit on behalf of the 1st respondent herein.

2.The Petitioner has already filed a case in W.P.No.28266 of 2015 before the Hon'ble High Court of Judicature and as per the order passed by the Honb'le High Court the encroachments in S.F.No.559/2B, 549/2, 548/1B and 548/2B in the Canal of Chinnavedampatti Tank, Coimbatore North Taluk, Coimbatore District have been removed and the Canal has been so set up to allow water through that Canal in



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S.F.No.550 having a length of 133 mtrs., and 3 Mtrs., wide and the report on this will be submitted to the Hon'ble High Court."

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Thus, the learned Special Government Pleader submitted that the encroachment has already been removed and hence, nothing survives for further adjudication herein.

3.Recording the above, this Writ Petition stands closed, leaving it open to the petitioner to approach the authority concerned in accordance with law if he still has any grievance. No costs.

(R.M.D.,J.) (M.S.Q.,J.)
02.02.2023

ay

Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

Copy To

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**R.MAHADEVAN,J.
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MOHAMMED SHAFFIQ,J.**

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