



WP No.9316 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.9316 of 2023

1.A.Venkatesan
2.A.Paramasivam
3.A.Arumugam
4.A.Senthil

... Petitioners

versus

1.The District Collector,
Kallakurichi

2.The Tahsildar,
Sankarapuram Town & Taluk,
Kallakurichi

3.The Village Administrative Officer,
Periyakolliyur Village, Kallakurichi

4.The Assistant Engineer,
Water Irrigation, Lower Pennayar,
Drainage Irrigation System
Sankarapuram Taluk, Kallakurichi District.

5.The District Superintendent of Police,
Kallakurichi District.



WP No.9316 of 2023

6.R.Sambath
7.V.Murugan
8.V.Venkatesan
9.V.Subburu
10.M.Munusamy
11.M.Jeyasankar
12.R.Rajendran
13.A.Arunagiri
14.K.Balaraman
15.R.Ambayee

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing respondents 1 to 5 to remove the encroachments in the Water Body in S.No.159/2B and 160/1B situate at Periyakolliyur Village, Sankarapuram Taluk, Kallakurichi District, by considering and passing necessary orders on the representation of the petitioners dated 26.01.2023.

For the Petitioner : Mr.K.Selvaraj

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

Seeking a direction upon the official respondents to remove the encroachment made by respondents 6 to 15, the petitioners have filed this writ petition.



WP No.9316 of 2023

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2. It is the case of the petitioners that they are residents of Athiyur Village, Sankarapuram Taluk, Kallakurichi District and on the northern side of Sathanur, there is a canal situate in S.No.158/1B, 159/2B and 160/1B. There are several encroachments in the said canal and as a result, the entire canal has been blocked. Though encroachments in S.No.158/1B was removed on 12.01.2023, the official respondents have not removed the encroachments found in S.No.159/2B and 160/1B, made by respondents 6 to 15. The encroachment has left the water to stagnate. In this regard, the petitioners have sent a detailed representation dated 26.01.2023 to the respondents 1 to 5; however, no action has been taken. Hence, the present writ petition has been filed.

3. Mr.P.Muthukumar, learned State Government Pleader submits that the representation of the petitioner would be considered and action would be taken by the official respondents in four weeks' time.

4. Recording the said submission of the learned State Government Pleader, the writ petition is disposed of directing the second respondent Tahsildar and the Block Development Officer



WP No.9316 of 2023

concerned, to coordinate with each other and to conduct a survey, and if any encroachment is found, issue notice to the encroachers and thereafter to remove the same forthwith. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, WMP No.9415 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
27.03.2023

Index : Yes/No
Neutral Citation : Yes/No
tar



WP No.9316 of 2023

To
WEB COPY

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WEB COPY



WP No.9316 of 2023

T.RAJA, ACJ,
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(tar)

WP No.9316 of 2023

27.03.2023