



WEB COPY



WMP No.8999 of 2023
in WP.No.32965 of 2022

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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This petition has been filed by the sixth respondent in the writ petition seeking to recall the order dated 08.12.2022 passed in W.P.No.32965 of 2022. By the said order, the writ petition was disposed of by giving a direction to the official respondents to issue notice to the encroachers to show cause as to why they should not be removed from the place in question within a period of one week with a further direction that after complying with the principles of natural justice, to remove all the encroachments in Survey No.222/3, classified as Vaikkal (water channel), situated at Ariyappampalayam Village, Sathyamangalam Taluk, Erode District, by the respondents.

2. Mr.A.Thiyagarajan, learned senior counsel appearing for the petitioner/6th respondent, submitted that the petitioner's property is situated in S.No.226/1D and adjacent to the petitioner's property, there is a cart track passage in S.No.223/8 which is, as per A-Register,

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is classified as 'Nilaviyal Vaikkal' meaning agricultural land and not a waterbody or waterways. It is, therefore, submitted that under the pretext of removing the encroachment, the writ petitioner and two others are interfering with the peaceful enjoyment of the cart track passage in S.No.223/8.

3. By the order in the writ petition, this Court has given a clear direction to the respondents to remove the encroachers in S.No.223/3, which is classified as Vaikkal (water channel) after complying with the principles of natural justice. Therefore, the petitioner cannot have any grievance insofar as his property is concerned and he is no way connected with the removal of encroachments in S.No.223/3 classified as 'Vaikkal'.

Therefore, we find no merit to recall the order passed in the writ petition. Accordingly, this petition is dismissed.

(T.R., ACJ.) (D.B.C., J.)
17.04.2023

sra



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