



WEB COPY



W.P. No. 19166 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

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

W.P. No. 19166 of 2019

Aruchamy

.. Petitioner

Versus

1. The Tahsildar
Office of Tashildar
Dharapuram
Tiruppur District.

2. The Assistant Engineer
Dhalavoipattinam
Dharapuram
Tiruppur District.

3. Muthusamy

4. Chelladurai

5. Chinnakutty

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the Respondents 1 and 2 to consider the petitioner's representation dated 27.02.2019 requesting to



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remove encroachment made by Respondents 3 to 5 in the canal bed and the pathway in Devanallloor of Kangeyampalayam Village in Dharapuram Taluk of Tiruppur District.

For Petitioner : Mr. N.Ponraj

For Respondents : Mr. S.N.Parthasarathy (R1 & R2)

ORDER

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

Heard Mr. N.Ponraj, learned counsel for the petitioner and Mr. S.N.Parthasarathy, learned Government Advocate appearing for the first and second respondents and also perused the materials placed on record, apart from the pleadings of the parties.

2. This writ petition has been filed for a direction to the first and second respondents to consider the petitioner's representation dated 27.02.2019 requesting to remove encroachment made by the third to fifth respondents in the canal bed and the pathway in Devanallloor of Kangeyampalayam Village, Dharapuram Taluk, Tiruppur District.



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3. The learned Government Advocate appearing for the first and second respondents submitted that the respondent authorities would take appropriate action, with regard to the removal of encroachment, if any, after receiving the report from the Assistant Executive Engineer, PWD, Dharapuram, and upon conducting due inspection and survey of the property in question. In support of the same, he has produced a copy of the communication in Na.Ka.No.3709/2023/A1 dated 22.06.2023, received from the Tahsildar, Dharapuram, the first respondent herein.

4. In view of the above, this court, without going into the merits of the case, directs the respondent authorities to collect the necessary report from the authorities concerned, survey the subject property and thereafter, proceed with the process of removal of encroachment, if any, by following due process of law. Such an exercise shall be completed, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.



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[R.M.D., J.] [M.S.Q., J.]
22.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order

Maya

To

1. The Tahsildar
Office of Tashildar
Dharapuram
Tiruppur District.
2. The Assistant Engineer
Dhalavoipattinam
Dharapuram
Tiruppur District.



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R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

Maya

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