



WEB COPY

W.P.No.24317 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.08.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.24317 of 2023**

**and**

**W.M.P.Nos.23759 and 23760 of 2023**

1.A.Chellamuthu  
2.A.Periyasamy  
3.K.Periyasam

... Petitioners

Vs.

1.The District Collector,  
Kallakurichi District,  
Kallakurichi.  
  
2.The Revenue Divisional Officer,  
Kallakurichi District,  
Kallakurichi.  
  
3.The Tahsildar,  
Kallakurichi Taluk,  
Kallakurichi District.  
  
4.Duraisamy  
  
5.Lakshmi  
  
6.Shanmugam



7.The Tahsildar,  
Chinnasalem,  
Kallakurichi District.

8.The Block Development Officer (BDO),  
Chinnasalem,  
Kallakurichi District.

... Respondents

[R7 and R8 are *suo motu* impleaded vide order dated 18.08.2023]

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the private respondents 4 to 6 for illegal forming of road in the stream comprised in S.No.180 of Pandiyangkuppam Village, Chinnasalem Taluk, Kallakurichi District and restore the stream to the original extent of width.

For Petitioners : Mr.M.Muthappan

For R1 to R3 & R7 : Mr.P.Sanjay Gandhi,  
Government Advocate

For R8 : Mr.E.Sundaram,  
Government Advocate

### **ORDER**

The Writ Petition has been filed for directing the respondents 1 to 3 to take appropriate action against the private respondents 4 to 6 for illegal forming of road in the stream comprised in S.No.180 of Pandiyangkuppam Village, Chinnasalem Taluk, Kallakurichi District and restore the stream to the original extent of width.



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2. With reference to the complaint submitted by the petitioners and the 4<sup>th</sup> respondent, the authorities competent initiated action to evict the encroachers from the water body. Admittedly, the encroached portion is a water body.

3. The learned Government Advocate appearing on behalf of the 8<sup>th</sup> respondent made a submission that the encroachments in Odai Poromboke has already been removed and the land has been protected by the competent authorities. It is needless to state that the water body is to be protected.

4. The learned Government Advocate has brought to the notice of this Court that the petitioners were found to be encroachers and they have already been evicted from the encroached portion of the property. Since the entire encroachment in the water body has been removed, no further adjudication is required in the Writ Petition.



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5. Accordingly, the Writ Petition stands closed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

**22.08.2023**

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Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The District Collector,  
Kallakurichi District,  
Kallakurichi.
- 2.The Revenue Divisional Officer,  
Kallakurichi District,  
Kallakurichi.
- 3.The Tahsildar,  
Kallakurichi Taluk,  
Kallakurichi District.
- 4.The Tahsildar,  
Chinnasalem,  
Kallakurichi District.
- 5.The Block Development Officer (BDO),  
Chinnasalem,  
Kallakurichi District.



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**S.M.SUBRAMANIAM, J.**

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