



WP No.23035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

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G.Prabhu

: Petitioner

versus

- 1.The District Collector, Salem District.
- 2.The Revenue Divisional Officer,
Mettur Salem District.
- 3.The Tahsildar,
Omalur, Salem District
- 4.The Executive Engineer,
Sarabanga, S.K.Garden, Kondalampatti,
Salem District 636 002
- 5.The Assistant Engineer,
Omalur Irrigation Section,
Sarabanga, Gandhi Road,
Hasthampatty, Salem 7
- 6.The Commissioner,
Tharamangalam Municipality,
Tharamangalam, Omalur Taluk,
Salem District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a



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Writ of Mandamus directing the respondents to remove the obstructions and encroachments for the free flow of surplus water in Raja Vaikal which is passing through S.Nos.94, 95, 97, 99, 106, 107, 116, 118, 120, 146, 150, 151, 153, 154 from Tharamangalam Eri to Kurukkupatti Eri and to stop the flow of water into the Omalur Town, based on petitioner's representation dated 03.11.2022 & 12.04.2023.

For the Petitioner : Mr.V.Subramanian,
for Mr.SP.Yuvaraj

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

Mr.L.P.Mourya,
for respondent No.6

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Subramanian, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 5 and Mr.L.P.Mourya, for respondent No.6.

2. Learned counsel for the petitioner submits that there is an encroachment on the waterbody. The writ survey numbers are waterbodies. The free flow of water is obstructed by the encroachment. Various persons have encroached upon it.

3. The encroachers are not parties before us. As such, we cannot pass



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positive orders against them.

4. Mr.P.Muthukumar, learned State Government Pleader, submits that survey would be carried out by the authorities and after the survey, if encroachment is found, then, action in accordance with law would be undertaken against the encroachers.

5. In view of the said statement, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

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

To

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6.The Commissioner,
Tharamangalam Municipality,
Omalur Taluk,Salem District



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(tar)

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