



W.P.No.32483 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32483 of 2023

P.Ramalingam

.. Petitioner

Vs.

1. The Chief Engineer
Water Resources Department
Pdhubkottai Road, T.P.No.803
Subramaniamapuram
Tiruchy – 620 020.
2. The Executive Engineer
Water Resources Department
SarabangaaVadinilaKottam
Asthampatti, Salem District.
3. Assistant Executive Engineer
The Water Resources Department
SarabangaaVadinilaKottam
Aathur, Salem District.
4. The Tahsildar
Taluk Office
Thalaivaasal, Salem District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the fourth respondent to take action on the representation given by the petitioner dated 21.10.2023 to survey and send the list of encroachers in the water channel comprised in S.Nos.152, 167, 143, 142, 124, 126, 122, 272, 271, 270, 269, 268, 287 and 303, Puliankurichy Village, Thalaivaasai Taluk, Salem District to enable the third respondent to remove the encroachments under the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007.

For the Petitioner : Mr.A.E.Ravichandran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.A.E.Ravichandran, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. Learned State Government Pleader, on instructions of the Tahsildar, submits that all the survey numbers referred to in the writ petition, except S.No.122, are in possession of the Public Works Department. S.No.122 is a Government Poramboke Vaaikkal, admeasuring an extent of 0.58.0 acres. The petitioner has encroached



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to an extent of 0.09.63 acres. The remaining survey numbers would be measured and once the measurement work is completed, the encroachment would be removed in accordance with law.

3. The details of the survey numbers referred to in the present petition are given in the communication of the Tahsildar, which reads thus:

S.No.	Survey Number	Total Extent	Classification
1.	152/1	0.80.0	Government Poramboke Odai
2.	167	0.84.0	Government Poramboke Odai
3.	143	1.12.0	Government Poramboke Vaaikkal
4.	142	0.77.0	Patta Land
5.	124	3.98.5	Government Poramboke Vaaikkal
6.	126	0.70.0	Government Poramboke Vaaikkal
7.	122	0.58.0	Government Poramboke Vaaikkal
8.	272	0.64.5	Government Poramboke Vaaikkal
9.	271	0.42.5	Government Poramboke Vaaikkal
10.	270	0.71.0	Government Poramboke Vaaikkal
11.	269	0.61.5	Government Poramboke Vaaikkal
12.	268	0.50.0	Government Poramboke Vaaikkal
13.	287	0.33.5	Government Poramboke Vaaikkal
14.	303	0.38.0	Government Poramboke Vaaikkal



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4. As stated in the said communication, the measurement shall be carried out, in accordance with law, after issuing notice to the concerned persons and upon the report of the measurement and survey, if any encroachment is observed, then the authorities shall take steps in accordance with law and proceed with the removal of the encroachment, including the encroachment of the petitioner, if any.

5. In light of the above, the writ petition stands disposed of.
There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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