



W.P.(MD) No.660 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.660 of 2023

P.Muthuveerappan

... Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Srirangam, Vannankovil,
Trichy District.
- 3.The Tahsildar,
Marungapurai Taluk,
Kalluppatti Post,
Trichy District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,



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Thiruvanaikovil,
Trichy District.

5.The Inspector,
Hindu Religious and Charitable Endowment
Department,
Office at Thuvarankurichi,
Marungapuri, Trichy District.

6.The Panchayat President,
Valanadu Panchayat & Post,
Palakurichi Via,
Marungapuri Taluk,
Trichy District.

7.Meharai Avuliya Dargah,
Valanadu Muslim Sunnath
Jamath Committee,
Rep. by its President, Sithik

8.Alagu

9.Chinnaiah

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 to 6 to remove the encroachment made by the respondents No. 7 to 9 in the water body in S. No. 218/5 and the pathway in S.No.484/1 situated Valanadu Village, Marungapuri Taluk, Trichy District and maintain the same free from any encroachment and pollution, based on the representation of the petitioner dated 04.01.2023.



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For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.M.Sarangam,
Addl. Govt. Pleader for R1 to R3
Mr.P.Subbaraj,
Spl. Govt. Pleader for R4 & R5
Mr.P.T.Thiraviyam,
Govt. Advocate for R6

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents No.1 to 6 to remove the encroachment made by the respondents No. 7 to 9 in the water body in S. No.218/5 and the pathway in S.No.484/1 situated Valanadu Village, Marungapuri Taluk, Trichy District and maintain the same free from any encroachment and pollution, based on the representation of the petitioner dated 04.01.2023.

2. Heard Mr.B.Prasanna Vinoth, learned counsel for the petitioner, Mr.M.Sarangam, learned Additional Government Pleader for respondents 1 to 3,



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WEB COPY Mr.P.Subbaraj, learned Special Government Pleader for R4 & R5 and Mr.P.T.

Thiraviyam, learned Government Advocate for the sixth respondent.

Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 7 to 9 is dispensed with.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that the respondents 7 to 9 have made encroachments in the water body and public pathway in the aforesaid survey numbers. In this regard, though the petitioner made a representation on 04.01.2023, seeking to remove the aforesaid encroachment, till date, no action has been taken by the respondents. Hence, the petitioner has filed this Writ Petition.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the respondents will survey



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the property in question and after demarcating the boundaries, necessary action will be taken for removal of encroachment, after providing sufficient opportunities to all the parties.

6. Recording the aforesaid submissions, this Writ Petition is disposed of with a direction to the respondents 3 and 6 to survey the property in question, demarcate the boundaries and if there is any encroachment, the respondents 3 and 6 are directed to remove the same, after providing sufficient opportunities to all the parties concerned, including the respondents 7 to 9 and by following due process of law. Such an exercise shall be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order. No costs.

[D.K.K., J.] [R.V., J.]

11.01.2023

NCC : Yes / No
Index : Yes / No
vsm



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