



W.P.(MD)No.4911 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.4911 of 2023

S.Jayaraman

... Petitioner

Vs.

- 1.The State represented by
The Principal Secretary,
Public Works Department,
Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Pudukottai District.
- 3.The Executive Engineer (Water Resources),
Public Works Department,
Pudukottai and District.
- 4.The Assistant Executive Engineer (Water Resources),
Public Works Department,
Aranthangi Taluk,
Pudukottai District.
- 5.The Tahsildar,
Avudaiyarkoil Taluk,
Pudukottai District.



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6.Balakrishnamoorthy

7.Rajan

8.Balsamy

9.Muthuraman

10.Jayaraman

11.Karuppiah

12.Karuppiah

13.V.Ramu @ Ramu

14.Amaladas

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 14 in water bodies namely “Chinna Eari” in Survey No.11/1 over an extent of 13.15.50 hectares and “Periya Eari” in Survey No.3 over an extent 53.62.00 Hectares comprised in Kannakur Village, Avudaiyarkoil Taluk, Pudukkottai District.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.5

Mr.R.Prasanna
for R.7, R.8, R.10, R.11 & R.13

No Appearance for R.6, R.9, R.12,
& R.14

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the respondents 7, 8, 10, 11 and 13.



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2. The case of the writ petitioner is that the petition mentioned water bodies have been encroached upon by the private respondents. The official respondents confirm the allegations made by the writ petitioner. The official respondents only want reasonable time to complete the process of removal of encroachment by adopting due process of law.

3. The private respondents who are represented through counsel before this Court are not in a position to rebut the averments made by the petitioner. We went through the materials on record. We are satisfied that the petition mentioned water bodies have been encroached upon.

4. The respondents 3 to 5 are directed to take appropriate steps in accordance with law for removal of the encroachments pointed out by the writ petitioner. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. This writ petition is allowed on these terms. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
27.07.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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