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W.P.(MD)NO.8746 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8746 of 2023

Karuppasamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Taluk Office,
Thiruchuzhi,
Virudhunagar District.
4. The Block Development Officer,
Block Development Office,
M.Reddiyapatti,
Aruppukkottai Taluk,
Virudhunagar District.



5. The Assistant Engineer,
Public Works Department (PWD),
Kariyapatti,
Virudhunagar District.

6. Bose

7. The Manager,
The Solai Project Farm & Nursery,
Melandhal, Narikudi (Post),
Thiruchuzhi Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 at our Melandhal Village Water Tank canal running through the Survey Nos. 10, 9, 47, 48, 49, 46 and 1/10, 11 of Melandhal Village, Thiruchuzhi Taluk, Virudhunagar District and ensuring water coming to our Melandhal Village Water Tank.

For Petitioner : Mr.R.Murugappan

For R-1 to R-5 : Mr.K.Balasubramani,
Special Government Pleader.

For R-7 : Mr.B.Balamurugan

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 5 and the learned counsel appearing for the seventh respondent.

2. The service of notice on the sixth respondent is yet to be completed.

3. However, we are of the view that notice to the sixth respondent can be dispensed with.

4. The learned Special Government Pleader instructed by the concerned officials confirms that the water channel runs through the petition mentioned survey numbers. The stand of the seventh respondent is that they have not committed any encroachment in the water body.

5. We do not want to go into the issue, if there is any encroachment or not. However, we direct the official respondents to ensure that the



character of the water body is maintained as such for ever. This writ petition stands allowed on these terms. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

8th JUNE 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Taluk Office, Thiruchuzhi,
Virudhunagar District.
4. The Block Development Officer,
Block Development Office,
M.Reddiyapatti, Aruppukkottai Taluk,
Virudhunagar District.
5. The Assistant Engineer,
Public Works Department (PWD),
Kariyapatti,
Virudhunagar District.



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