



W.P.(MD)No.8986 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8986 of 2023

and

W.M.P.(MD)No.8149 of 2023

S.Karuppasamy

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. By its District Collector,
District Collector Office,
Thoothukudi-628 101.
- 2.The Tahsildar,
Oddapidaram Tahsildar Office,
Oddapidaram-628213,
Thoothukudi District.
- 3.The Commissioner,
Oddapidaram Commissioner Office,
District Collector Office,
Thoothukudi-628 101.
- 4.The Panchayat President,
Kurukkusalai Panchayat,
Kurukkusalai Post,
Oddapidaram Taluk,
Thoothukudi District.



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5.Karuppasamy

6.Paneer

7.Ponnuthayee

8.Mookaiah

9.Balamurugan

10.Sankarathai

11.Samiyadiyal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 11 over the water channel in No. 143/3, Sinthalakottai Majara, Periyannatham Village, Thoothukudi District and facilitate the farmers/village people to make use of the said channel for their agricultural activities based on the petitioner's representation dated 08.03.2023 within a stipulated period by this Court.

For Petitioner :Mr.N.Pandivelrajan

For Respondents :Mr.M.Siddhardhan
Additional Government Pleader for R1 to R4

: Mr.I.Robert Chandrakumar for R5 & R11

: Mr.S.Muthumalairaja for R6 to R10



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ORDER

Heard both sides.

2. The case of the petitioner is that in the water channel comprised in Survey No.143/3, Sinthalakottai Majara, Periyannatham Village, Thoothukudi District, there are encroachments. Notice was issued to the respondents.

3. The learned Additional Government Pleader, on instructions, confirms that there are encroachments in the said water channel and that steps are being taken to remove the same.

4. We direct the second respondent to adhere to due process of law and have all the encroachments remove within a period of four months from the date of receipt of a copy of this order. The Tahsildar shall issue notice to all the encroachers and thereafter, pass final order.

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is allowed.

[G.R.S., J.] [B.P., J.]
10.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

- 1.The District Collector,
District Collector Office,
Thoothukudi-628 101.
- 2.The Tahsildar,
Oddapidaram Tahsildar Office,
Oddapidaram-628213,
Thoothukudi District.
- 3.The Commissioner,
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