



W.P(MD)No.9750 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM

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

W.P(MD)No.9750 of 2023

Ravikumar

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar Town,
Virudhunagar District.
- 3.The Regional Divisional Officer,
Aruppukkottai,
Virudhunagar District.
- 4.The Tahsildar,
Thiruchuli,
Virudhunagar District.
- 5.The Inspector of Police,
A.Mukkulam Police Station,
Thiruchuli Taluk,
Virudhunagar District.



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6.M/s.Re Sustainability Health Care Solutions Ltd.,
Previously Known as Ramky Energy and Environment Ltd.,
Udurmikidakulam Village, Mukkulam,
Tiruchuli Taluk, Virudhunagar District,
Rep. by its Project Head,
E.Udaya Kumar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 5 to remove the encroachments in Thoppu Orani, Pudhu Orani in Survey No.174 situated at Mukkulam Village, Thiruchuli Taluk, Virudhunagar District by taking necessary action against the 6th Respondent, based on the petitioner's representation dated 16.02.2023, 11.04.2023.

For Petitioner : Mr.A.Karthigaivel

For Respondents : Mr.V.Nirmal Kumar,
Govt. Advocate for R1 to R5.
Mr.N.Dilip Kumar for R6.

ORDER

Heard both sides.



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2.The petitioner alleges that the sixth respondent had committed encroachment on a water body. The allegation is quite vague. We called upon the petitioner to specify in which survey number, the sixth respondent has committed encroachment. The response of the learned counsel for the petitioner is that they are collecting documents. We fail to understand as to how, the writ petition came to be filed even without the relevant documents. In any event, the Tahsildar, Thiruchuli has filed counter affidavit categorically denying the allegation of the writ petitioner and asserting that the sixth respondent has not committed any encroachment. Paragraph No.5 of the counter affidavit reads as follows:-

“5. I respectfully submit that in so far as the averments made in para 6 to 11 are has to be proved by the petitioner herein. It is admitted fact that there were several objections made by the villagers for the functioning of the 6th respondent industry and the villagers are completely against the functioning of the said industry and they are opposing for the functioning of the said industry. However as stated earlier as on date the license of the company was expired and the same was not renewed till date and they are not functioning. Accordingly the Tamilnadu Pollution Control Board has called for objections and suggestions



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for renewing the license issued to the 6th respondent and objection were received for not to renew the license to the 6th respondent. That being the position the 6th respondent industry is not functioning. Besides this allegations now the petitioner has alleged that the 6th respondent has encroached the water bodies situated in S.No. 174/1 which is classified as water body i.e., Toppu Orani, Pudhu Orani are denied as false and 6th respondent has not encroached upon the said water body. Hence the writ petition is liable to be dismissed as devoid of merits. Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the above writ petition as devoid of merits and thus render justice.”

3.We do not find any ground to grant relief to the petitioner and the writ petition stands dismissed. No costs.

(G.R.S.J.) & (B.P.J.)
12.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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