



W.P.(MD)No.13734 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.08.2023

CORAM

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

W.P(MD)No.13734 of 2023

Meenakshi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

3.The Block Development Officer,
Kalayarkovil Union,
Kalayarkovil Taluk,
Sivagangai District.

4.Sevugamoorthy

5.Karthikraja

6.Sukumaran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 1st to 3rd respondents to remove the



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encroachments in channels and water body of the Ampattan Oorani and Pillani Kanmai in S.No.205 and 226 made by the 4th to 6th respondents based on the representation dated 30.03.2023.

For Petitioner :Mr.N.Jeyaram Sidharth

For Respondents :Mr.K.Balasubramanian
Special Government Pleader for R1 to R3
: Mr.S.Muniyandi for R4 to R6

ORDER

Heard both sides.

2. The case of the petitioner is that Survey No.205 & 226 in Surakulam Village was a water body and that the private respondents have committed encroachments and that they should be removed.

3. The learned counsel appearing for the private respondents seeks time to file counter.

4. We are not entering into the merits of the matter. There is no dispute that the petition mentioned Survey numbers are water bodies. The only question that calls for consideration is whether the encroachment has been



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committed. This can be found out, only if proper survey is conducted. The second respondent is directed to conduct survey after issuing notice to the petitioner, private respondents and the other stake-holders, if any. The parties herein are directed to extend their fullest co-operation for conducting survey. Based on the outcome of the survey, if encroachments are noticed in the water bodies, action will be taken for removing them. The official respondents are directed to adhere to due process of law. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

[G.R.S., J.] [B.P., J.]
08.08.2023

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

and

B.PUGALENDHI, J.

rmi

To

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Sivagangai District,
Sivagangai.
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