



W.P.(MD) No.14382 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.14382 of 2023
and
W.M.P.(MD) Nos.12186 & 12189 of 2023**

1. Murugan
2. Siva
3. Subbulakshmi
4. Manjula
5. Senthil
6. Vairan
7. Murugan
8. Ilangovan
9. Saroja

... Petitioners

-VS-



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1. The District Collector,
Office of the District Collector,
Thanjavur.
2. The Assistant Engineer,
Public Works Department,
(Water Resources Organisation),
Cauvery Water Basin,
Vadi Nila Uba Kottam, Kumbakonam,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein not to take any coercive steps for evicting us on the basis of the notice issued by the 2nd respondent dated 09.05.2023 till alternate sites are provided by considering the petitioners representation dated 07.06.2023.

For Petitioners : Mr.S.Vinayak

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for R1 & R2

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents.



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2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, It is therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF MANDAMUS, order or direction in the nature of writ, directing the respondents herein not to take any coercive steps for evicting us on the basis of the notice issued by the 2nd respondent dated 09.05.2023 till alternate sites are provided by considering the petitioners representation dated 07.06.2023.”

4. The said mandamus cannot be issued as we are sure that our orders will be used to continue the encroachment with active connivance of the officials of the Water Resources Organisation. Hence, we direct the authorities to consider the application of the petitioners for alternative sites within a period of six months from today. This order shall not prevent the authorities concerned for proceeding with the removal of encroachment.



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5. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

20.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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