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W.P.(MD)NO.15812 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15812 of 2023

R.Srikanth

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Madurai District.
2. The Executive Engineer,
Periyar Vaigai Basin, PWD, WRO,
Madurai -2.
3. The Assistant Executive Engineer,
Periyar Vaigai Basin, PWD, WRO,
Madurai -2.
4. The Assistant Engineer,
Periyar Vaigai Basin,PWD, WRO,
Madurai -2.
5. The Assistant Divisional Engineer,
(Highways) Construction and Maintenance,
Vadipatti, Madurai District.
6. The Assistant Engineer(Highways),
Construction and Maintenance,
Vadipatti Division,
Madurai District.



7. The Tahsildar,
Vadipatti Taluk,
Madurai District.

8. Thavamani,
S/o.Karupanan Servai,
Prop. M/s.Sree Maranadu Karuppasamy Blue Metals,
Kondayanpatti Village,
Vadipatti Taluk,
Madurai District.

9. Parvathi

... 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 7 to remove the encroachment made by the 8th and 9th respondents over the Government Lands situated in Survey No.159 and Survey No.121/3 of Kondayampatti Village, Vadipatti Taluk, Madurai District, classified as “Sarkar Poromboke” and Periyar Channel respectively and to restore the irrigational channel therein to its original position in line with the corresponding revenue records.

For Petitioner : Mr.V.S.Kishok Kumar

For R-1 to R-7 : Mr.K.Balasubramani,
Special Government Pleader.

For R-8 : Mr.S.Chandrasekaran

For R-9 : Mr.A.D.Ganeshamoorthi

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and the learned counsel appearing for the private respondents.

2. The petitioner's case is that the private respondents have committed encroachment in the petition-mentioned sarkar poramboke and Periyar channel. On the last occasion, we had directed the authorities to conduct survey. Today when the matter was taken up for hearing, the learned Special Government Pleader submitted that the private respondents appear to have committed encroachments and Form II notices had already been issued. It is undertaken that the task of removal of encroachment will be concluded within a period of four months from the date of receipt of a copy of this order.

3. The said undertaking is recorded. We however make it clear that the fulfillment of the undertaking is subject to challenge by the private respondents. The private respondents



will be given due opportunity to establish that no encroachment has been committed. The petitioner also will be associated. In other words, before passing any final order on the objections to be furnished by the private respondents, the petitioner will also be heard. This writ petition stands disposed of accordingly. No costs.

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

30th AUGUST 2023

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

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