



W.P(MD)No.15578 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.15578 of 2014
and
M.P(MD)Nos.1 of 2014 & 1 of 2015**

K.Nagarajan

... Petitioner

VS.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani, Dindigul District.
- 3.The Tahsildar,
Palani Taluk,
Palani,
Dindigul District.
- 4.The Commissioner,
Palani Municipality,
Dindigul District.
- 5.The Assistant Executive Engineer,
Water Resource Organization (WRO),
Public Works Department,
Varathamamathi Tank Division,
Palani, Dindigul District.

... Respondents



W.P(MD)No.15578 of 2014

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 from any way dispossessing the residence of the people residing in Kamaraj Nagar, Palani comprised in T.S.No.1203/1 and T.S.No.1203/2 of Palani Village and Taluk, Dindigul District till they are accommodated in a suitable place within the Palani Municipality limits.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 from any way dispossessing the residence of the people residing in Kamaraj Nagar, Palani comprised in T.S.No.1203/1 and T.S.No.1203/2 of Palani Village and Taluk, Dindigul District till they are accommodated in a suitable place within the Palani Municipality limits.



W.P(MD)No.15578 of 2014

WEB COPY

2.The petitioner has filed the present Writ Petition as a 'Public Interest Litigation' on behalf of the other residents of the said property to forbear the respondents from initiating action for dispossessing of the residence of the people residing in the said property.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.On a perusal of the materials available on record, it is seen that the said property is classified as a "Siru Naicken Kulam", which is a water body. In ***T.K.Shanmugam Vs. State of Tamil Nadu*** reported in ***2015 (5) LW 397***, the Division Bench of this Court has categorically held that the encroachments in the water bodies have to be removed and the same has to be preserved and protected.



W.P(MD)No.15578 of 2014

WEB COPY

5.In the light of the abovesaid decision, we are not inclined to entertain the present Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
20.01.2023
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.15578 of 2014

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