



W.P(MD)No.13258 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13258 of 2015

P.Kabali

... Petitioner

Vs

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Tuticorin Division,
Tuticorin District.
- 3.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Thamirabarani Distillation Division,
Collectorate Compound,
Tuticorin.
- 4.The Valavallan Village Panchayat,
Represented by its President,
Valavallan Panchayat Office,
Srivaikundam Taluk,
Tuticorin District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to evict the encroachment made on the river bed as well as the public road in Survey Nos. 140/4B, 262, 132 and a part in Survey No.149 of Valavallan Village, Srivaikundam Taluk and lay a Thar Road on the above said river bed as well as the public road based on the petitioner's representation dated 14.05.2015.

For Petitioner : No Appearance

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R.1 & R.2

Tapal Returned for R.3

No Appearance for R.4

ORDER

None appears for the writ petitioner.

2. I went through the contents of the affidavit filed in support of the writ petition. The petitioner's allegation is that the petition mentioned encroachments on the Thamirabarani river have not been cleared.

3. The learned Government Advocate appearing for the respondents 1 and 2 submitted that notices have been issued by the third respondent under Tamil Nadu Land Encroachment Act, 1905.



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4. The respondents are directed to ensure that all the encroachments mentioned in this writ petition are cleared. Of course, the respondents will have to adopt a humanitarian approach in the sense that the residential houses cannot be pull down over night. Sufficient time for relocating must be given. In my view even if a year's time is granted that would be in order. But the authorities must have a definite time limit and ensure that Thamirabarani river is cleared of all the encroachments.

5. Directing the respondents to adhere to due process of law, this writ petition is allowed. There shall be no order as to costs.

14.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin Division,
Tuticorin District.



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MGA

3.The Executive Engineer,
Public Works Department,
Water Resources Organization,
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Collectorate Compound,
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