



W.P(MD)No.19724 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.19724 of 2023

C.Murugan

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Tahsildar,
Taluk Office,
Radhapuram Taluk,
Tirunelveli District.
- 3.The Block Development Officer,
Valliyoar Union,
Tirunelveli District.
- 4.The Village President,
Pazhavur Village Panchayat,
Radhapuram Taluk,
Tirunelveli District.
- 5.The Assistant Engineer,
(Water Resource Organisation)
Valliyoar, Radhapuram,
Tirunelveli District.



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6.The Divisional Engineer (Highways),
Construction and Maintenance,
Tirunelveli -2.

7.The Assistant Engineer,
Highways,
Construction and Maintenance,
Valliyoor, Tirunelveli.

8.Shanmuga Thevar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to conduct survey, identify and mark the encroachments made by 8th respondent with compound wall and all other encroachments in the Kuttam Kanmoi in Survey No.664/3 in 4th respondent village panchayat and further direct the respondents 6 and 7 to remove all kinds of encroachments in the appurtenant lands of National Highways in Survey No.664/3 of 4th respondent village panchayat at per the representation of the petitioner dated 15.05.2023.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R7.
No appearance for R8.



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ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents. The eight respondent has been served and his name is printed in the cause list, but he has not chosen to enter appearance.

2.The petitioner alleges that encroachment has been committed on the petition mentioned water body. This allegation is confirmed by the official respondents also. The learned Special Government Pleader informed this Court that survey was conducted and encroachment has been identified and steps have been taken under the provisions of Tamil Nadu Land Encroachment Act, 1905. Form – VII notice has already been issued. It is stated that after holding enquiry, encroachments will be removed. The entire exercise will be completed within a period of three months from the date of receipt of a copy of this order. We make it clear that the authorities will adhere to due process for law.



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3.This writ petition is disposed of accordingly. No costs.

**(G.R.S.J.) & (B.P.J.)
12.10.2023**

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