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W.P.(MD)NO.22616 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.22616 of 2019 AND
W.M.P.(MD)No.19372 of 2019

Muniyappan

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
St. Fort George,
Chennai.
2. The District Collector,
District Collector,
Karur District.
3. The Revenue Divisional Officer,
Kulithalai,
Karur District.
4. The Tahsildar,
Kadavur Taluk,
Karur District.
5. Block Development Officer(Village Panchayat),
Kadavur Panchayat Union,
Tharagampatti,
Kadavur Taluk,
Karur.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix a date and expedite the process of removing encroachments made on Puravi Goundan Tank is situated in Tharagampatti Village Panchayat, Kadavur Taluk, Karur District and its water spread areas within the time frame that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner filed this writ petition on the allegation that in the petition-mentioned Puravi Goundan tank in Tharagampatti Village, there are encroachments and the same have not been removed even the complaints were lodged.

3. When the matter was taken up for hearing, the learned Additional Advocate General submitted a report admitting the allegations made by the petitioner.

4. It is stated that as many as 29 encroachments have been identified. It is not as if the private individuals alone are



guilty. The Government had also put up as many as seven buildings.

5. We make it clear that all the encroachments including the buildings put up by the Government will have to be removed. Of course, due process of law will be followed when the encroachments of the private individuals are removed. Since Anganwadi buildings have also been built up, we grant three months time to the authorities to remove the same. At the end of six months from today, the tank should be restored to its original condition. Mere demolition will not suffice and the debris will also have to be duly removed. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
12th December 2023

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

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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

1. The Secretary to Government,
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