



WEB COPY



W.P.No.26892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.26892 of 2024

Duraisamy

Vs

.. Petitioner

- 1.The District Collector,
Erode District.
- 2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode-638 452.
- 3.The Tahsildar (Revenue),
Bhavani,
Erode District.
- 4.The Executive Engineer,
PWD Department,
Water Resources Organization,
Lower Bhavani Basin Division,
Erode.
- 5.The Executive Engineer,
PWD Department (WRO),
Bhavanisagar Dam Division,
Bhavanisagar-638 451.
- 6.Umarani Subramanian



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7.Divya Subramanian
8.Sanjitha Subramanian

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachments made in R.S.No.149/3 (43c), situated at Salangapalayam Village, Bhavani Taluk, Erode District on the basis of the proceedings of the second respondent in O.Mu.2208/2022/U2 dated 10.3.2022.

For the Petitioner	: Mr.V.Anandhamoorthy
For Respondents	: Mr.A.Edwin Prabakar State Government Pleader for respondents 1 to 5

ORDER
(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachments made in R.S.No.149/3 (43c), situated at Salangapalayam Village, Bhavani Taluk, Erode District, on the basis of the proceedings of the second respondent in O.Mu.2208/2022/U2, dated 10.3.2022.



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2. Learned counsel for the petitioner submitted that the representation sent by the petitioner on 29.12.2021 to the respondent authorities seeking removal of the encroachment was, in fact, forwarded by the second respondent as well as the fourth respondent to the third respondent, however, the third respondent has till date not taken any action to remove the encroachment. He added that, owing to the subsistence of encroachments, the seepage water from the Lower Bhavani Scheme and excess rain water is entering into the agricultural lands and causing extensive damage and, if a direction is issued to respondents 1 to 3 to take immediate action based on the communication of the second respondent dated 10.3.2022, the ends of justice would be subserved.

3. Considering the narrow scope of the prayer made in the writ petition, without expressing any opinion on the merits of the matter, the writ petition is disposed of with a direction to respondents 1 to 3 to take further action based on the



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communication of the second respondent dated 10.3.2022, and pass appropriate orders, on merits and in accordance with law, after providing opportunity to all the interested parties, including respondents 6 to 8. The entire exercise shall be concluded within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
13.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

- 1.The District Collector,
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Erode-638 452.
- 3.The Tahsildar (Revenue),
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Erode District.
- 4.The Executive Engineer,
PWD Department,
Water Resources Organization,
Lower Bhavani Basin Division,
Erode.
- 5.The Executive Engineer,



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Bhavanisagar Dam Division,
Bhavanisagar-638 451.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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