



W.P(MD)Nos.1768 and 20658 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

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

W.P(MD)Nos.1768 and 20658 of 2021
and
W.M.P.(MD)Nos.17279 and 17280 of 2021

W.P.(MD)No.1768 of 2021:-

S.Chandrakumar

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
O/o. The Tahsildar,
Kalaiyarkoil Taluk,
Sivagangai District.
- 4.The Revenue Inspector,
Silukkupatti,
Kalaiyarkoil Taluk,
Sivagangai District.



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5.The Superintending Engineer,
Public Work Department,
Water Resource Organization,
Lower Vaigai Basin Circle,
Kalaiyarkoil Taluk,
Sivagangai.

6.V.Surasangu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent across the 'Kaattaru' river (Kulakkal) in Survey No.187, situated at Vilangattur Village, Kalaiyarkoil Taluk, Sivagangai District on the basis of the proceeding issued by the 4th respondent vide Na.Ka.A4.2193/2017 dated 31.08.2017 and consequential direction to ensure the free flow of water in Kaataru River.

For Petitioner : Mr.D.Shanmuga Sethupathi

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R5.
Mr.N.Tamilmani for R6.



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W.P.(MD)No.20658 of 2021:-

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1.Muniyandi

2.Govindarasu

3.Marimuthu

4.Palraj

5.Karuppayee

6.Sornam @ Sornavalli

7.V.Surasangu

... Petitioners

Vs.

1.The Assistant Engineer,
PWD, WRO (Irrigation),
Kalaiyarkoil,
Sivagangai District.

2.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order dated 01/11/2021 on the file of the 1st respondent and quash the same and further directing the respondents to issue the house site patta to the petitioners.



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For Petitioners : Mr.G.Prabhu Rajadurai

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

COMMON ORDER

Heard both sides.

2.By the impugned communication, the petitioners have been called upon to remove the encroachments in question. It is beyond dispute that the petitioners have been in occupation on a portion of a water body.

3.When the matter was take up on the last occasion, we suggested to the respondents to consider granting alternative sites to the petitioners herein. Initially an offer was made to allot 1.5 cents of land each to the petitioners herein. Since it was felt to be inadequate, we called upon the respondents to revisit the issue. Today, 29.02.2024, when the matter was taken up for hearing, the learned Government Advocate submitted that it has been decided to allot 3 cents of land for each of the petitioners in

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S.No.197/6, Silukkapatti Group, Kalayarkovil Taluk. It appears that reclassification proceedings have to be carried out. The District Collector, Sivagangai is directed to issue such allotment orders in favour of each of the petitioners within a period of three months from the date of receipt of a copy of this order. We made it clear that model code of conduct that will soon come into force will not come in the way of complying with this direction. The petitioners will be given three months thereafter to put up construction in the allotted sites. The petitioners will have to necessarily vacate their present premises by then.

4.These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.) & (B.P.J.)
29.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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