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W.P.(MD)NO.2217 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2217 of 2024 AND

W.M.P.(MD)No.2228 of 2024

The President,
Sri Sri Sri Sivarathinapuri Tiruchy-
Mahaswamigal Mandapan Trust,
Rep. By his representative
K.Sivayagnesh,
South Aranmanai,
No.8, South Aranmanai Street,
Papanasam – 627 425,
Tirunelveli District.

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Assistant Executive Engineer(WRO),
Upper Thamiraparani Sub-Division,
Cheranmahadevi,
Tirunelveli District.
3. Arulmigu Papanasa Swamy Thirukovil,
Rep. by its Executive Officer,
Papanasam Ambasamudram Taluk,
Tirunelveli District.
(R-3 is impleaded vide order dated 06.08.2024
in W.M.P.(MD)No.12828 of 2024)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the notice dated 24.01.2024 in 17/Ko. 27/2024(AEE) issued by the second respondent herein and quash the same as ultravires and consequently directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner trust in 0.16.81 Hectares within the total extent of 19.55.00 Hectares in survey No.876/1A, Vickramasingapuram Part-II Village, Ambasamudram Taluk, Tirunelveli District and the structures therein.

For Petitioner : Mr.P.Subbiah
For R-1 & R-2 : Mr.K.Balsubramani,
Special Government Pleader.
For R-3 : Mr.V.R.Shanmuganathan

* * *

ORDER

Heard both sides.

2. Vide order dated **24.09.2024 in W.P.(MD)No.22261 of 2024 (P.R.U.Palaniandi Ambalam V. The Assistant Engineer (Water Resources Department, Irrigation Division, Karayur, Pudukottai District)** it was held that the Assistant Executive Engineers of the Water Resources Department are competent to take action for removal of



encroachment in river porambokes. Hence, the contention of the petitioner's counsel that the impugned order is without jurisdiction is rejected.

3. The order impugned in the writ petition is appealable. If the petitioner files such an appeal within two weeks from the date of receipt of a copy of this order, it shall be entertained without reference to limitation. The appeal itself will be disposed of on merits and in accordance with law within a period of four months, thereafter.

4. With this aforesaid liberty to the petitioner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

30th September 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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4

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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Assistant Executive Engineer(WRO),
Upper Thamiraparani Sub-Division,
Cheranmahadevi,
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