



W.P(MD)No.3600 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.02.2024

CORAM

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

W.P(MD)No.3600 of 2024
and
W.M.P.(MD)No.3553 of 2024

Asaithambi

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Kandharvakottai,
Pudukottai.

3.The Taluk Surveyor,
Kandharvakottai,
Pudukottai.

4.Ethiraja Kulothungam

5.Dharmaraj

... Respondents



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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 3 to survey the Santhankudi Lake comprised in Survey No.189 situated at Malayapatti Revenue Village, Kandharvakottai Taluk, Pudukkottai District and protect in the same physical nature in further and subsequently directing the respondents 1 to 3 to remove the encroachment made by the 5th respondent in Survey No.173 situated at Malayapatti Revenue Village, Kandharvakottai Taluk, Pudukkottai District.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3. Considering the nature of relief to be granted, issuance of notice to the respondents 4 and 5 is dispensed with.

2.The petitioner has given a representation before the second respondent on 06.02.2024. He wants Sathangudi lake to be surveyed.



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He also wants the encroachment committed by the private respondents to be removed.

3.We direct the second respondent to consider the petitioner's request and pass an appropriate order on merits and in accordance with law. The second respondent will issue notice to the private respondents before passing any final order. We make it clear that we have not gone into the merits of the matter. The defences of the private respondents have not been foreclosed or dealt with by this Court. Such a final order shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.J.,) & (B.P.J.,)
20.02.2024

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

ias

To:-

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Tahsildar,
Kandharvakottai,
Pudukottai.
- 3.The Taluk Surveyor,
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