



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM :

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**WP(MD) Nos.4689 & 5320 of 2020
and
WMP(MD)No.4062 of 2020**

Vijayarani ... Petitioner in WP(MD)No.4689 of 2020

Munusamy ... Petitioner in WP(MD)No.5320 of 2020

vs.

1.The District Collector, Thanjavur.

2.The Sub Collector, Pattukottai, Thanjavur District.

3.The Tahsildar, Pattukkottai, Thanjavur District.

4.T.Munusamy

5.Thiagarajan ... Respondents in WP(MD)No.4689 of 2020

1.The District Collector, Thanjavur.

2.The Sub Collector, Pattukottai, Thanjavur District.



3.The Tahsildar, Pattukkottai, Thanjavur District.

4.Vijayarani

... Petitioner in WP(MD)No.5320 of 2020

Prayer in WP(MD)No.4689 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 3 herein from in any manner laying the road/pathway in the water channel situate in Survey Nos.162/1 and 162/4 in Kuruchi Village, Pattukottai Taluk, Thanjavur District and to maintain the existing water channel for purposes of irrigation by respective agriculturist at Kuruchi Village, Pattukottai Taluk, Thanjavur District.

Prayer in WP(MD)No.5320 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to remove the encroachment made by the 4th respondent in the water body namely Water Channel in Survey No.162/4, Kuruchi Village, Pattukottai Taluk, Tanjore District on the basis of the direction issued by the 1st respondent vide his Memo in O.Mu.H2/26581/2019 dt 21/10/2019 and in compliance with the direction of the 2nd respondent in O.Mu.2995/2019/A5 signed on 27/8/2019 as expeditiously as possible within a time stipulated by this Court.

**In WP(MD)No.4689 of 2020 : -**

WEB COPY

For Petitioner : Mr.Ramsundar Vijayaraj
for M/s.Veera Associates
For Respondents : Mr.V.Nirmalkumar,
Government Advocate for R1 to R3
Mr.R.Anand for R4

in WP(MD)No.5320 of 2020 : -

For Petitioner : Mr.R.Anand
For Respondents : Mr.V.Nirmalkumar,
Government Advocate for R1 to R3
Mr.Ramsundar Vijayaraj
for M/s.Veera Associates for R4

COMMON ORDER

Heard both sides.

2.The petitioner in WP(MD)No.5320 of 2020 alleges that Vijayarani has committed encroachment. Vijayarani alleges that Munusamy has committed encroachment. The petition-mentioned water body vests with Public Works Department. The Tahsildar, Pattukottai Taluk is directed to conduct survey. Notices shall be issued to all the parties concerned. Based on the survey



report, the competent authority in the PWD department shall take action for removal of encroachments. Due process of law shall be adhered to. The contentions of both the parties are not foreclosed by this direction. The only direction issued is for removal of encroachments by following due process of law within a period of five months from the date of receipt of copy of this order.

3. These writ petitions are disposed of. No costs. Connected miscellaneous petition is closed.

(G.R.S, J.) & (B.P, J.)
27.02.2024

Skm

To

1. The District Collector, Thanjavur.
2. The Sub Collector, Pattukottai, Thanjavur District.
3. The Tahsildar, Pattukkottai, Thanjavur District.



WEB COPY



5

G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.

skm

WP(MD) Nos.4689 & 5320 of 2020
and
WMP(MD)No.4062 of 2020

27.02.2024