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W.P.(MD)NO.6081 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.6081 of 2023 AND

W.M.P.(MD)No.19234 of 2023

C.Ramasamy

... Petitioner

Vs.

1. The District Collector,
O/o.the District Collector,
Madurai.

2. The Tahsildar,
Taluk Office,
Peraiyur Taluk,
Madurai District.

3. The Block Development Officer,
O/o.the Block Development Officer,
Sedapatti, Madurai District.

4. The President,
Kudipatti Panchayat,
Sedapatti, Madurai District.

5. Alagarsamy

6. Alagarsamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to



remove the encroachment of the respondents 5 and 6 in survey Nos.86 and 87 in Annuppapati Village, Kudipatti Village Udkadai, Peraiyur Taluk and restore the land as “Kalvai Varathukkal” in a time bound manner.

For Petitioner : Mr.D.Senthil
For R-1 to R-4 : Mr.K.Balasubramani,
Special Government Pleader.
For R-5 & R-6 : Mr.S.Paul Murugesan

* * *

ORDER

Heard both sides.

2. It is beyond dispute that survey Nos.86 and 87 of Annuppapati Village have been classified as water bodies. The encroachment of such water body cannot be permitted.

3. The second respondent is directed to take action in this regard and ensure that the water bodies are kept free of encroachment. It is stated that the encroachment committed by the private respondents was originally removed and that they have committed fresh encroachments. If



that be so, it is the duty of the second respondent to initiate prosecution against the encroachers and also levy damages on them.

4. With this direction to the second respondent, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
13th December 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
O/o.the District Collector, Madurai.
2. The Tahsildar,
Taluk Office, Peraiyur Taluk,
Madurai District.
3. The Block Development Officer,
O/o.the Block Development Officer,
Sedapatti, Madurai District.
4. The President,
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Sedapatti, Madurai District.



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