



W.P.(MD)No.16249 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16249 of 2024

S.Sudhagar

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Orathanadu Taluk,
Orathanadu,
Thanjavur District.
- 3.The Executive Engineer,
Water Resources Department,
Kallanai Kalvai Division,
Thanjavur.
- 4.The Assistant Executive Engineer,
Water Resources Department,
Kallanai Kalvai Sub-Division,
No.3, Pattukkottai-614 602,
Thanjavur District.
- 5.The Assistant Engineer,
Water Resources Department,
Kallanai Kalvai Division,
Vettikadu,
Thanjavur District.



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6.The Block Development Officer,
Orathanadu, Thanjavur District.

7.Paulraj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 to remove the encroachment made by the 7th respondent in survey No.s12/1 and 12/2 situate at Kakkarakottai Village orathanadu Taluk, Thanjavur District and consider the petitioner's representation dated 29.2.2024.

For Petitioner :Mr.K.Guhan

For Respondents :Mr.S.Kameshwaran
Government Advocate for R1 to R5

: Mr.K.Balasubramaniyan
Special Government Pleader for R6

: Mr.K.K.Senthil for R7

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents and the learned counsel for the private respondent (R7).

2. The petitioner alleges that the 7th respondent had committed encroachment in respect of the petition mentioned channel.



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3. The learned counsel appearing for the 7th respondent points out that

the petitioner wants to use the channel as a pathway for plying his tractor.

He has also produced the photographic evidence in support of his contention.

We make it clear that while the petition mentioned channel must be kept free of any kind of encroachment, the petitioner cannot be allowed to ply his tractor through the same. Under certain circumstances, it can be used only as footpath.

4. With the aforesaid direction to the petitioner as well as the respondents herein, the writ petition is disposed of. No costs.

[G.R.S., J.] [B.P., J.]
23.07.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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and

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