



W.P.(MD)No.20340 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

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

W.P(MD)No.20340 of 2024

D.Peter

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
District Collector Office,
Tiruchirappalli.
- 2.The Revenue Divisional Office,
Musiri,
Thiruchirappalli District.
- 3.The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.

4.Ramachandran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments made by the 4th respondent and to excavate and restore the water channel in survey number 510/4 of Murugur Revenue Village, Thuraiyur Taluk, Tiruchirappalli District more particularly within a time frame.



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For Petitioner :Mr.J.Pooventhrrajan
For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R3. Issuance of notice to R4 is dispensed with.

2. It is not in dispute that Survey No.510/4, Murugar Revenue village has been classified as water body. Encroachment on the water body cannot be permitted. The third respondent is directed to conduct survey. When the writ petition was taken up for hearing, the learned special government pleader submitted that the third respondent will conduct survey and if the survey exercise reveals the existence of any encroachment, it shall be removed by adhering to due process of law. We direct the third respondent to adhere to the aforesaid undertaking. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. We make it clear that we have not foreclosed the defence of the fourth respondent. It is the



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duty of the third respondent to adhere to the procedure established by law.

Survey shall be conducted after issuing notice to the fourth respondent herein and other interested persons if any.

3. The Writ Petition is disposed of. No costs.

[G.R.S., J.] [B.P., J.]
29.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

- 1.The District Collector / Monitoring Committee,
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