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W.P.(MD)NO.21850 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21850 of 2024

Mathavi

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3. Manoharan

4. Subramanian

5. Natarajan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 to 5 in Marudhu Oorani comprised in survey No.111/1 situated at Marungoor Village, Pullakadamban, Thiruvadanai Taluk, Ramanathapuram District and continue to carry out de-silt / renovation work in Marudhu Oorani by considering the petitioner's representation dated 20.05.2024.



For Petitioner : Mr.T.Leninkumar
For R-1 & R-2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. Issuance of notice to the private respondents is dispense with.

3. The petitioner is the President of the local body. She alleges that survey No.111/1 of Marungoor Village is a water-body and it has been encroached by the private respondents herein. She further alleges that their encroachment prevents carrying out desilting operations.

4. When the matter was taken up for hearing, the learned Additional Government Pleader confirmed that the petition-mentioned survey number has been classified as Sandhoorani and Marudhoorani. *Prima facie*, it appears that the character of survey No.111/1 is that of water-body. Encroachment on water-body cannot be permitted.



WEB COPY 5. The second respondent is therefore directed to conduct survey.

Notices shall be issued to the private respondents and other persons if necessary. If survey exercise reveals the existence of encroachment, it shall be removed. Due process of law shall be adhered to. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of.

No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

19th September 2024

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

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.



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