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W.P.(MD) No.18944 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.18944 of 2017

K.Nachiappan

... Petitioner

-VS-

1.The District Collector
O/o.District Collectorate
Sivagangai District

2.The Commissioner
Karaikudi Municipality
Karaikudi
Sivagangai District

3.Muthu

4.Boomi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to remove encroachments made by the respondents 3 and 4 in drainage channel situated in rear side of the 100 Feet Road, Bharathi Nagar, Karaikudi, Sivagangai District, within the time stipulated by this Court.



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For Petitioner : Mr.S.Rajasekar
For Respondents : Mr.N.G.A.Nataraj
Government Advocate for R1
Mr.D.Venkatesh for R2
Mr.D.Kirubakaran for R3
R4 – Unserved

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the second respondent to remove encroachments made by the respondents 3 and 4 in the drainage channel situate rear side of the 100 Feet Road, Bharathi Nagar, Karaikudi, Sivagangai District, within the time stipulated by this Court.

2. The grievance of the petitioner is that though this Court, by order dated 14.02.2017 passed in W.P.(MD) No.2454 of 2017 and by order dated 25.07.2017 passed in Cont.P.(MD) No.1116 of 2017, directed the encroachments in the subject drainage channel to be removed, the encroachments made by the private respondents in the subject drainage channel have not been removed. Hence, he has filed the present writ petition.



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3. Today, when the matter was taken up for hearing, learned Standing Counsel appearing for the respondent – Municipality, on instructions, submitted that with the assistance of the Surveyor, the subject drainage channel will be measured and on survey, if any encroachment is found, appropriate action will be taken for removal of encroachments in accordance with law.

4. Considering the facts and circumstances of the case, we are inclined to pass the following orders:

- (i) The respondent – Municipality is directed to survey the subject drainage channel with the assistance of either the Taluk Surveyor or Municipal Surveyor and find out whether there is any encroachment or not as alleged by the petitioner, within a period of three weeks from the date of receipt of a copy of this order.
- (ii) On survey, if any encroachment is found, the respondent – Municipality is directed to take necessary action in accordance with law, for removal of encroachments, within a period of twelve weeks



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thereafter, after providing due opportunity to the persons concerned.

5. With the above directions, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

29.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

The District Collector,
O/o.District Collectorate,
Sivagangai District.



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and
R.VIJAYAKUMAR, J.

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