



W.P(MD)No.27628 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.11.2024

CORAM

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

W.P(MD)No.27628 of 2024

Karuppasamy Pandian

... Petitioner

Vs.

- 1.The District Collector /
Monitoring Committee,
Tirunelveli District,
Collectorate,
Tirunelveli.
- 2.The District Collector /
Monitoring Committee,
Thoothukudi District,
Collectorate,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Kovilpatti Revenue Divisional Officer,
Thoothukudi District.
- 4.The Tahsildar,
Manur Taluk,
Tirunelveli District.



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5.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

6.The Manager,
JSW Centre,
Bandra Kurla Complex,
Near MMRDA Grounds,
Bandra East,
Mumbai – 400 051.
Also having office at
Ettayapuram,
Thoothukudi District,
Tamil Nadu.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 to take necessary steps to remove the encroachment made in S.No.361 classified as “Oodai” of Chettikurichi Village Group, Kayathar Taluk, Thoothukudi District by the sixth respondent.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.5

Mr.N.Dilip Kumar for R.6

ORDER

Heard both sides.



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2.The petitioner points out that the sixth respondent had installed electric poles numbering 40 in the petition mentioned Odai.

3.The learned counsel for the sixth respondent claims that the installation was carried out only after getting permission from the local Panchayat President.

4.We have already doubted the competence of the Panchayat President to granted such permission. Our attention is drawn to G.O(Ms)No. 101 Water Resources Department dated 30.09.2024 in which the Government had issued detailed guidelines for granting permission to use water bodies for developmental projects. We have no doubt in our minds that this Government Order would apply to the instant project implemented by the sixth respondent also. The sixth respondent has to obtain permission / No Objection Certificate in terms of the aforesaid Government Order. Till proper permission is obtained from the competent authority, the sixth respondent will not commission the project.



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5.This Writ Petition is disposed of accordingly. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
22.11.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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Collectorate,
Tirunelveli.
- 2.The District Collector /
Monitoring Committee,
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Thoothukudi.
- 3.The Revenue Divisional Officer,
Kovilpatti Revenue Divisional Officer,
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- 4.The Tahsildar,
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Tirunelveli District.
- 5.The Tahsildar,
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and

B.PUGALENDHI, J.

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