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W.P.No.3852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.3852 of 2025

P.Pasarai Balu

.. Petitioner

VS

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The Revenue Divisional Officer,
Kallakurichi-606 213.
- 3.The Tahsildar,
Chinna Salem Taluk Office,
Chinna Salem-606 201.
- 4.The Assistant Executive Engineer,
Water Resource Department,
Kallakurichi District,
Kallakurichi.



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5.The Executive Officer,
Vadakkanandal Town Panchayat,
Kanchirapalayam-606 207,
Chinna Salem Taluk,
Kallakurichi District.

- 6.Ramasamy
- 7.Kannan
- 8.Shakthi
- 9.Selvi
- 10.Manikodi
- 11.Venkatesan
- 12.Ravi
- 13.Veeran
- 14.Mathesh
- 15.Kolanchi
- 16.Dhesingaraja
- 17.Selvaraj
- 18.Manjula
- 19.Rajendran
- 20.Govindaraj
- 21.Kasi
- 22.Manikam

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 to initiate immediate action to remove the encroachments made in the above said waterbodies comprised in Survey Numbers 613/1, 238/7 at Kachirapalayam and Survey Numbers 630/1, 629/4, 625, 622, 617/1, 451/9, 451/3, 450/1, 383, 382, 393 at Vakakkanandal.



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For Petitioner : Ms.Mary Mahila DC
for Mr.A.G.Rajan

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.M.Habeeb Rahman
Government Advocate
for respondent Nos.1 to 5

: Mr.V.Kamalanathan
for Mr.V.Gunasekar
for respondent No.16

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The prayer in this petition is to direct respondent Nos.1 to 5 to remove the encroachments made in the waterbodies comprised in Survey Nos. 613/1, 238/7 at Kachirapalayam and Survey No.630/1, 629/4, 625, 622, 617/1, 451/9, 451/3, 450/1, 383, 382, 393 at Vakakkanandal.

2. Shri Kamalanathan, who is appearing for respondent No.16, states that petitioner himself is an encroacher.



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3. Shri Prabakar tenders a status affidavit of one Mr.Balaguru, affirmed on 27th March 2025, in which it is stated that survey was conducted and list of encroachers has been furnished to the respective departments, namely, respondent No.5/Vadakkanandal Town Panchayat; respondent No.4/Water Resource Department and to the Highways Department also. The nature of encroachment is also mentioned in the status affidavit. Shri Prabakar further states that notices under respective Acts have been issued to the encroachers and due process will be followed.

4. Shri Kamalanathan states that he shall provide the nature of encroachment by petitioner to Shri Prabakar.

5. Shri Prabhakar states that if he receives it, he shall forward to the department concerned for necessary action.



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6. Petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ, J.)

03.04.2025

Index : Yes/No
NC : Yes/No
bbr

To

- 1.The District Collector,
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Kallakurichi-606 213.
- 3.The Tahsildar,
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Chinna Salem-606 201.
- 4.The Assistant Executive Engineer,
Water Resource Department,
Kallakurichi District,
Kallakurichi.
- 5.The Executive Officer,
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Kanchirapalayam-606 207,
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