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W.P.(MD)NO.9945 OF 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 08.04.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.9945 of 2025**

A.Prabakaran

... Petitioner

Vs.

1. The District Collector / Monitoring Committee,  
O/o.the District Collector,  
Theni District.

2. The Revenue Divisional Officer,  
O/o.the Revenue Divisional Officer,  
Uthamapalayam Taluk, Theni District.

3. The Tahsildar,  
O/o.the Tahsildar,  
Uthamapalayam Taluk, Theni District.

4. The Assistant Executive Engineer  
(Water Resource Department),  
O/o.The Assistant Executive Engineer,  
Uthamapalayam, Theni District.

5. The Assistant Engineer,  
O/o.the Assistant Engineer,  
Uthamapalayam,  
Theni District.

6. M.Rasu

7. B.Santhanam

... Respondents



**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in the water body namely “Chinna Vaaikal” which is located in Chinnamanur, Uthamapalayam Taluk, Theni District vide Ward C, Block 11, T.S.No.1, Old Survey No.589 and Ward C, Block 13, T.S.No.100, Old survey No.591/1A by considering the representation dated 25.03.2025 within a stipulated time fixed by this Court.

For Petitioner : Ms.S.Shamini

For R-1 to R-5 : Mr.SRA.Ramachandran,  
Additional Government Pleader.

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 5.

2. Issuance of notice to respondents 6 and 7 is dispensed with.

3. The petitioner seeks removal of the encroachment in the petition-mentioned water bodies.



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4. The learned Special Government Pleader on instructions confirms that the petition-mentioned survey number is classified as channel and that Form-I notice has already been issued by the Tahsildar, Uthamapalayam Taluk. It is further stated that the nature of the encroachment is in the form of trees.

5. We direct the fourth respondent to take action as per law and clear all the encroachments within a period of four months from the date of receipt of a copy of this order. We make it clear that the fourth respondent will issue notice to all the encroachers and adhere to the procedures provided in the statute. This writ petition stands disposed of. No costs.

**(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)**  
**8<sup>th</sup> April 2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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W.P.(MD)NO.9945 OF 2025

**G.R.SWAMINATHAN, J.**

**AND**

**B.PUGALENDHI, J.**

PMU

**To:**

1. The District Collector / Monitoring Committee,  
O/o.the District Collector, Theni District.
2. The Revenue Divisional Officer,  
O/o.the Revenue Divisional Officer,  
Uthamapalayam Taluk, Theni District.
3. The Tahsildar,  
O/o.the Tahsildar, Uthamapalayam Taluk, Theni District.
4. The Assistant Executive Engineer  
(Water Resource Department),  
O/o.The Assistant Executive Engineer,  
Uthamapalayam, Theni District.
5. The Assistant Engineer,  
O/o.the Assistant Engineer,  
Uthamapalayam, Theni District.

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**08.04.2025**