

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 12.03.2019

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THE HON-BLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HON-BLE MRS.JUSTICE R.THARANI

+W.P(MD)NO.2192 OF 2019

#Periyasamy

:Petitioner

.vs.

\$1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

3.The Executive Officer,  
Town Panchayat,  
Kottaiyur,  
Sivagangai District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the encroachment in the Water bodies namely, Kulalakal Kanmoi, measuring an extent of 13 acre and 75 cents, Peerkottai Kanmoi and Sri Kothan Karupar Kovil Channel situated at S.No.545/1, Kottaiyur Village, Karaikudi Taluk, Sivagangai District in Patta No.197, by considering the Petitioner-s representation, dated 19.11.2018.

!For Petitioner :Mr.M.Ramu

^For Respondents :Mr.VR.Shanmuganathan  
1 and 2 Special Govt.Pleader  
For Respondent~3 :Mr.Aayiram K.Selvakumar  
Addl. Govt.Pleader

:ORDER

[Order of the Court was made by K.KALYANASUNDARAM.,J.]

Heard Mr.M.Ramu, learned counsel appearing for the Petitioner, Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the third respondent and perused the materials available on record.

2.The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to remove the encroachment in the Water bodies namely, Kulalakal Kanmoi, measuring an extent of 13 acre and 75 cents, Peerkottai Kanmoi and Sri Kothan Karupar Kovil Channel situated at S.No.545/1, Kottaiyur Village, Karaikudi Taluk, Sivagangai District in Patta No.197, by considering the Petitioner-s representation, dated 19.11.2018.

3.Mr.M.Ramu, learned counsel for the Petitioner would state that it would suffice, if a direction is issued to the respondents to consider his representation within the time specified by this Court.

4.Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the third respondent would state that the respondents are ready to consider the representation submitted by the Petitioner on 19.11.2018 and take appropriate action as per law.

5.In the light of the limited scope of the prayer sought for in the Writ Petition and the submissions of the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation submitted by the Petitioner on 19.11.2018 and pass appropriate orders in accordance with law, after affording ample opportunity of hearing to all the necessary parties, within a period of six months from the date of receipt of a copy of this order.

6.With the above directions, the Writ Petition stands disposed of. No costs.

To

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

3.The Executive Officer,  
Town Panchayat,  
Kottaiyur,  
Sivagangai District.