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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17229 of 2015

AND

MP (MD) No.1/2015

V.K.Andi

... Petitioner

Vs.

1.The District Collector,
Madurai Collectorate Campus,
Madurai District.

2.The District Revenue Officer,
Madurai Collectorate Campus,
Madurai District.

3.The Tahsildar,
The Tahsildar Office,
Melur Taluk, Madurai District.

4.The Block Development Officer (Rural Development),
Melur Panchayat Union Office,
Melur Taluk, Madurai District.

5.The Panchayat President,
Therukkuthuru Panchayat Office,
Melur Taluk,
Madurai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents No. 1 to 4 to ensure that there should not be any encroachment in the land in Survey No. 256 to an extent of 4 Acres and 50 cents where the Pillaiyan Kottiakullam tank is situated at therukkuthuru Village Melur taluk Madurai District by removing the encroachment made by the 5th respondent to an extent of 5 cents approximately for constructing the building for the office of 100 Days employment Scheme in the survey No. 256 Pillaiyan Kottaikullam situated at Therukkuthuru Village, Melur Taluk, Madurai District in order to keep the entire extent of land as mentioned in Village Account free from all encroachment.

For Petitioner

: Mr.V.R.Venkatesan

For Respondents

:Mr.M.Govindan,

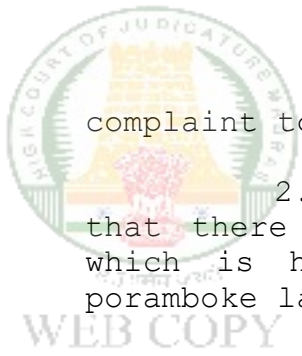
Special Government Pleader.

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

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The village resident raised the issue that the panchayat is constructing a building in a water body and therefore, he has given



complaint to the District Collector.

2.Mr.M.Govindan, learned Special Government Pleader submitted that there is no construction in the water body and the construction which is half way through is a panchayat building in a Government poramboke land.

3.The allegation is strongly disputed and refuted. We record the same.

4.In the nature of this case, we do not want to controvert the investigation as to whether there is encroachment of tank. No supporting material is placed before us to consider the claim of the petitioner that there is a water tank. However, it is for the District Collector to consider the representation of the petitioner dated 17.09.2015, on its own merit and in accordance with law.

5.The writ petition is accordingly disposed of. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

sms

To

1.The District Collector,
Madurai Collectorate Campus,
Madurai District.

2.The District Revenue Officer,
Madurai Collectorate Campus, Madurai District.

3.The Tahsildar, The Tahsildar Office,Melur Taluk,Madurai District.

4.The Block Development Officer (Rural Development),
Melur Panchayat Union Office,
Melur Taluk,
Madurai District.

5.The Panchayat President,
Therukkutheru Panchayat Office,
Melur Taluk, Madurai District.

+one cc to Mr.V.R.Venkatesan, Advocate in SR.No.56049

Writ Petition (MD) No.17229 of 2015
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CSL/JGB/06.10.2015

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