



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19462 of 2016

and

W.M.P. (MD) No.14023 of 2016

V.Maruthappan

... Petitioner

-Vs-

1.The District Collector
Collectorate
Madurai District

2.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Madurai, Madurai District

3.The Tahsildar
Melur Taluk Office
Melur Taluk
Madurai District

4.A.Ponnaian

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment made by the respondent No.4 on the Oorkavalankulam Tank, situated at Survey No.514, Alagapuri Patti Village, Melavalavu Post, Melur Taluk, Madurai District, within the time stipulated.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Muthukaruppan
Addl.Govt.Pleader for R1 to R3

O R D E R

[Order of the Court by **M.SATHYANARAYANAN, J.**]

Mr.A.Muthukaruppan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 3 and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.



2. The petitioner claims that he is a resident of Alagapuri Patti Village, Melavalavu Post, Melur Taluk, Madurai District, and he is eking out his livelihood by doing agricultural coolie works and he would submit that he has purchased a land, comprised in Survey No.515/2A of Alagapuri Patti Village, under a registered sale deed and obtained Patta in his name in respect of said land and he is cultivating and enjoying the said land 1998 onwards and the adjacent land, comprised in Survey No.514, is classified as "Oorkavalankulam" as per Adangal and other revenue records and many of the villagers as well as his family members are using the said water-body.

3. According to the petitioner, the fourth respondent had encroached the said water-body by constructing a house thereon and when the fourth respondent applied for electricity service connection for the said house, he raised objection in the form of a written representation, dated 14.12.2015, before the Junior Engineer, Tamil Nadu Electricity Board, Melur, and the same was forwarded to the Tahsildar, Melur Taluk / third respondent, who rejected the claim of the fourth respondent, vide communication dated 19.10.2015, addressed to the Assistant Executive Engineer, Tamil Nadu Electricity Board, Melur. The grievance expressed by the petitioner is that despite very many representations have been submitted to the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the said water-body, no proper response is forthcoming and therefore, he came forward to file this writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials produced.

5. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the merits of the claim projected by him either in the representations or in the writ petition, this Court directs the Tahsildar, Melur Taluk / third respondent to consider the petitioner's representations, dated 17.08.2015, 14.12.2015, 11.07.2016 and 24.09.2016, after putting the fourth respondent on notice and pass orders in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the fourth respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To

1.The District Collector,
Collectorate,
Madurai District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Madurai, Madurai District.

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

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR No.60101/2016
+1 cc to the Spl.Govt.Pleader in SR No.59852/2016

W.P. (MD) No.19462 of 2016
and
W.M.P. (MD) No.14023 of 2016
06.10.2016

KRK
ANR/PV/26.10.2016/3P/6C