



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HON'BLE MR.JUSTICE C.T. SELVAM

W.P.(MD)No.3674 of 2016

and

WMP(MD)No.3292 of 2016

M.P.Kannan

...Petitioner

Vs.

1.The Commissioner Revenue Administration,  
Revenue Department,  
Chepauk, Chennai - 600 005.

2.The District Collector,  
Madurai District, Madurai.

3.The Block Development Officer,  
Panchayat Union Office,  
Madurai East, Madurai.

4.The Panchayat President,  
Rajakoor Village Panchayat,  
Rajakoor, Madurai East,  
Madurai .

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1 and 2 respondents to initiate appropriate actions to evict the encroachers in the water body of Chinnarajakoor tank for an extent of 20.30 hectares on the petition dated 22.01.2016.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.A.K.Bhaskarapandian

(R1 to R3) Special Govt.Pleader

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

The petitioner, against whom Notice, dated 12.01.2016, has been issued by the President, Rajakoor Village Panchayat, Rajakoor, Madurai East, Madurai / respondent No.4 herein, has prayed for a Writ of Mandamus, directing respondents 1 and 2, to initiate appropriate action, to evict the encroachers, in the water body of Chinnarajakoor Tank, for an extent of 20.30 hectares, on his petition dated 22.01.2016.

2. Admittedly, the petitioner has not challenged the abovesaid notice, directing him to remove the alleged encroachment of putting up toilet and stones. He has only sought for a stay of the abovesaid proceedings. However, the petitioner has alleged that there are encroachers in Chinnarajakoor Tank water body and he has also submitted



a petition, dated 22.01.2016, to the District Collector, Madurai, for removal of the alleged encroachment.

3. Mr.A.K.Bhaskarapandian, learned Special Government Pleader, takes notice on respondents 1 to 3. He submitted that the District Collector, Madurai District, be directed to consider the said representation, on merits. Submission of learned Special Government Pleader is placed on record.

4. In the absence of any challenge to the Notice, dated 12.01.2016 of the President, Rajakoor Village Panchayat, Rajakoor, Madurai East, Madurai / respondent No.4 herein, the prayer for stay cannot be granted, as it is not incidental to the main prayer. The respondents are at liberty to proceed in accordance with law. The Writ Petition is disposed of with a direction to consider the representation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS)

To

- 1.The Commissioner Revenue Administration,  
Revenue Department, Chepauk, Chennai - 600 005.
- 2.The District Collector, Madurai District, Madurai.
- 3.The Block Development Officer, Panchayat Union Office,  
Madurai East, Madurai.
- 4.The Panchayat President, Rajakoor Village Panchayat,  
Rajakoor, Madurai East, Madurai.

+1cc to M/s.S.Radhakrishnan, Advocate in SR.11497  
+1cc to the Special Government Pleader, in SR.11403

W.P. (MD) No.3674 of 2016  
26.02.2016

MPK

PBK/AAL-MPA/SAR-I 01.03.2016 ::2P-7C: (IT)