



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

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

W.P. [MD].No.11055 of 2017

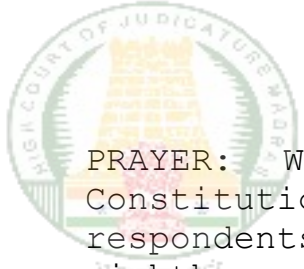
S.Sundarapandi

: Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Wild Life Warden,
Grizzled Squirrel Wildlife Sanctuary,
Srivilliputtur,
Virudhunagar District.
3. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
4. The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.
5. The Village Administrative Office,
Kunnur Village,
Virudhunagar District.
6. The Forest Ranger,
Srivilliputtur Forest Range,
Virudhunagar District.
7. The Forest Watcher,
Kunnur Bt.,
Srivilliputtur Forest Range,
Virudhunagar District.
8. The Kalasalingam University,
Rep. by its Vice Chancellor,
(Kalasalingam Academy of
Research and Education),
Anand Nagar, Krishnakovil,
Srivilliputtur Taluk,
Virudhunagar District.

: 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 7 herein to remove the encroachment made by the eighth respondent in the water bodies (Odai, Kanmoi, etc) and Reserved Forest Area in the Kunnur Bt., Srivilliputtur Forest Range, Virudhunagar District, within the stipulated period, which this Court may deem fit and proper.

For Petitioner : Mr.M.Jothi Basu

For Respondents 1to7 : Mr.M.Govindan,
Special Government Pleader

For Respondent No.8 : Mr.S.Venkatesh for Mr.A.Sivaji

O R D E R

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

The petitioner filed this Writ Petition for issuance of a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment stated to have been made by the eighth respondent in the water bodies (Odai, Kanmoi, etc) and Reserved Forest Area in the Kunnur Bt., Srivilliputtur Forest Range, Virudhunagar District.

2. We have heard the learned counsel for the petitioner. We have also heard the learned Special Government Pleader appearing on behalf of the respondents 1 to 7 and the learned counsel appearing for the eighth respondent.

3. The question as to whether the eighth respondent was instrumental in encroaching upon the Odai or Kanmoi, as indicated in the affidavit, is an essential issue to be decided by the District Collector.

4. We direct the first respondent to consider and dispose of the representation submitted by the petitioner dated 02 January, 2017, on merits and as per law with notice to the eighth respondent. It should be the endeavour of the District Collector to cause survey of the property mentioned in the affidavit filed by the petitioner and to decide as to whether there was any such act of encroachment at the instance of the eighth respondent. In case it is found on enquiry that there is encroachment, necessarily, action should be taken in accordance with law against the encroachers. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



5. The Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

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Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Wild Life Warden,
Grizzled Squirrel Wildlife Sanctuary,
Srivilliputtur,
Virudhunagar District.
3. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
4. The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.
5. The Village Administrative Office,
Kunnur Village,
Virudhunagar District.
6. The Forest Ranger,
Srivilliputtur Forest Range,
Virudhunagar District.
7. The Forest Watcher,
Kunnur Bt.,
Srivilliputtur Forest Range,
Virudhunagar District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 64786

+1 CC to M/s.G.MARIMUTHU, Advocate, SR No. 64569

+1 CC to M/s.A.SIVAJI, Advocate, SR No. 64786

SML/MYR

PSM/MR-KKR/SAR1/20.07.2017/3P/11C