



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.12847 of 2017
and
W.M.P (MD) No.9943 of 2017

Y.Sulthan

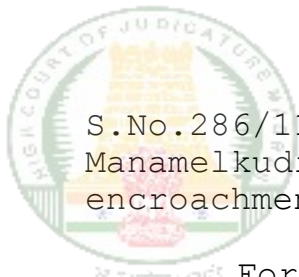
.. Petitioner

Vs.

1. The District Collector,
Collectrate,
Pudukottai District,
Pudukottai.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.
3. The Assistant Director of Survey and Land Records,
Collectorate,
Pudukottai District,
Pudukottai.
4. The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.
5. The Block Development Officer (Village Panchayats),
Manamelkudi Panchayat Union,
Manamelkudi Post and Taluk,
Pudukottai District.
6. Mujibur Rahman
7. Semu @ Sheik Mohamed

.. 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 5 to take appropriate action against the respondents 6 and 7 and prohibit them from encroaching and making construction upon the Government water body lands situated in Salaikulam S.No.179, Thamaraiikulam S.No.195, Chinna Pallivasal S.No.219/9 to 219/16 and Nondichikulam S.No.288/2, 3, 4 and 287/10 and Kalnadipatti



S.No.286/11 of Kodikulam Village, Kottaipattinam Panchayat, Manamelkudi Taluk, Pudukkottai District and to remove the encroachments made in the above said survey numbers.

For Petitioner : Mr.K.Siva Senthil Murugan

For RR 1 to 5 : Mr.M.Govindan,
Special Government Pleader.

For R - 6 : Mr.K.Baalasundharam

For R - 7 : Mr.M.Suresh

ORDER

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

The petitioner filed this writ petition to direct the respondents 1 to 5 to take action against the respondents 6 and 7 and restrain them from putting up construction in the water body situated at Salaikulam Survey No.179, Thamaraikulam Survey No.195, Chinna Pallivasal Survey Nos.219/9 to 219/16 and Nondichikulam Survey Nos.288/2, 3, 4 and 287/10 and Kalnadipatti Survey No.286/11 of Kodikulam Village, Kottaipattinam Panchayat, Manamelkudi Taluk, Pudukkottai District.

2.We direct the fourth respondent to consider and dispose of the representation submitted by the petitioner, dated 01.06.2017 on merits and as per law, after issuing notice to the respondents 6 and 7. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. We make it clear that we have not considered the merits of the matter and this order should not be construed to be an expression of opinion on the right claimed by the petitioner. It is open to the encroachers to produce materials to substantiate their contention that they are in possession of the property on the basis of valid records. In any case, it is for the Tahsildar to take a decision in the matter.

3.The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

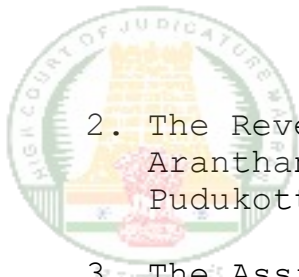
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectrate,
Pudukkottai District,
Pudukkottai.



2. The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3. The Assistant Director of Survey and Land Records,
Collectorate,
Pudukottai District,
Pudukottai.

4. The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.

5. The Block Development Officer (Village Panchayats),
Manamelkudi Panchayat Union,
Manamelkudi Post and Taluk,
Pudukottai District.

+ 1 CC TO Mr.K.BALASUNDHARAM, ADVOCATE IN SR No. 69352
+ 1 CC TO Mr.M.SARAVANAKUMAR, ADVOCATE IN SR No. 69486
+ 1 CC TO Mr.M.SURESH, ADVOCATE IN SR No. 69398
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70166

PS/SM

TE/MR-KKR/SAR-IV : 11/08/2017 : 3P/10C

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01.08.2017