



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.1443 of 2017

K. Rajan @ Rajankoilpillai

.. Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District.
2. The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.
3. The Block Development Officer,
Kayathar Panchayat Union,
Thoothukudi District.
4. The President,
Raja Pudukudi Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

5. Grace

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment in the water channel (Oodai) situated at Northern side of Survey No.32/2, Patta No.243, Sannathu Pudukudi Village, Kovilpatti Taluk, Thoothukudi District on the basis of the petitioner's representation dated 04.06.2016 and 01.10.2016.

For Petitioner

: Mr.V.Thirumal

For Respondents 1 and 2

: Mr.D.Muruganantham,
Additional Government Pleader.

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

WEB COPY This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachments alleged to have been made by the fifth respondent in a channel (Oodai) which situates immediately on the northern side of Survey No.32/2 in Sannathu Pudukkudi Village, Kovilpatti Taluk, Thoothukudi District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of North Street, Rajapudukudi, Kovilpatti Taluk, Thoothukudi District. Further it is averred in the petition that in Sannathu Pudukudi Village, immediately on the northern side of Survey No.32/2 a channel (Oodai) is situate wherein certain encroachments have been made by the fifth respondent. Under the said circumstances, a representation has been given and the same has been considered by the first respondent and issued necessary direction to the concerned Tahsildar to remove encroachments, if any. But no action has been taken and therefore the present writ petition has been filed.

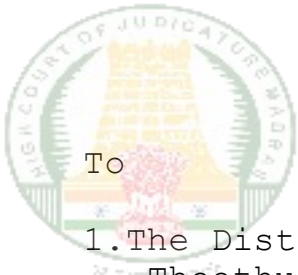
3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 and 2. Considering the nature of the relief sought in the writ petition and also considering the available records, notice need not be sent to the respondents 3 to 5.

4.It is seen from the records that on the basis of representation given by the petitioner, the first respondent has given necessary direction to the authorities concerned. But they have not taken proper steps. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the second respondent is directed to make proper survey in respect of the channel (Oodai) mentioned in the petition and if there is any encroachment remove the same under due process of law within a period of two months.

Sd/-
Assistant Registrar(CO)

/True Copy/



To

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

3.The Block Development Officer,
Kayathar Panchayat Union,
Thoothukudi District.

4.The President,
Raja Pudukudi Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

+1 cc to MR.V.THIRUMAL, Advocate SR.No.5036

**ORDER MADE IN
W.P (MD) No.1443 of 2017
31.01.2017**

MAS/SKN-RSK/09.02.2017:3P/6C