



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3910 of 2017

V.Karuppu : Petitioner

.vs.

1.The District Collector,
Madurai District.2.The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty, Madurai District.3.The Tahsildar,
Melur Taluk,
Madurai District.4.The Special Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

: Respondents

(cause title amended vide Court order
dated 01.08.2017 in W.M.P(MD)No.8080 of 2017)

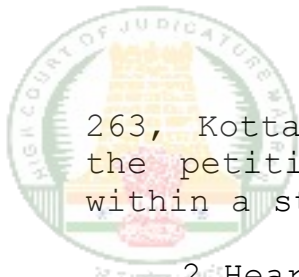
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to remove the encroachment in the water channel (Kanmoi) situated at Survey Nos.264/12B, 247/1, 202, 263, Kottampatty Village, Melur Taluk, Madurai District based on the petitioner's representations dated 13.06.2016 and 23.07.2016 within the time stipulated by this Court.

For Petitioner	:Mr.N.Ananthapadmanabhan
For R-1 & R-3	:Mr.M.Govindan, Special Government Pleader
For R-2 & R-4	:Mr.N.S.Karthikeyan

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

<https://hcservices.ecourts.gov.in/hcservices/> This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to remove the encroachment in the water channel (Kanmoi) situated at Survey Nos.264/12B, 247/1, 202,



263, Kottampatty Village, Melur Taluk, Madurai District, based on the petitioner's representations dated 13.06.2016 and 23.07.2016, within a stipulated time.

2. Heard both sides. No counter-affidavit is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal.

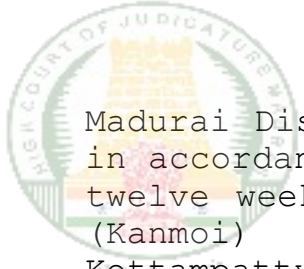
4. According to the Petitioner, there are three ponds in their village, namely, Vallikon Pond in Survey No.264/12B, Konarkulam Pond in Survey No.247/1 and Vellachikon Pond in Survey No.202 and the said ponds' water is used for irrigation purposes. It appears that the aforesaid tanks are encroached by the encroachers, who have built unauthorised constructions. In fact, the fourth Respondent had granted permission and shops were constructed in Survey No.263, which is mentioned in the Adangal Register as LD Road in Kottampatty Panchayat, classified as poromboke.

5. The grievance of the Petitioner is that the shops in question were constructed and leased out without obtaining prior permission from the concerned authority. As a matter of fact, Survey No.281/3, classified as Harijan Colony Village Natham, was encroached by the encroachers. The Respondent Nos.1 and 2, according to the Petitioner are reluctant to take action against the encroachers and to remove the encroachment in question.

6. The petitioner has addressed representations dated 13.06.2016, and 23.07.2016 to the Respondent Nos.1 and 3, in regard to the removal of encroachment in the water channel (kanmoi) situated at Survey Nos.264/12B, 247/1, 202, 263, Kottampatty Village, Melur Taluk, Madurai District.

7. At this juncture, it is brought to the notice of this Court on behalf of the third Respondent/Tahsildar, Melur Taluk, Madurai, that survey was conducted in the subject matter of property and the encroachers were identified. In fact, the Learned Special Government Pleader, who appears for the third Respondent brings it to the notice of this Court that appropriate notices will be issued to the purported encroachers by the concerned Authority after following due process of law and in this regard, the third Respondent requires sufficient time.

8. Considering the fact that subject survey numbers have been measured and encroachers were identified by the concerned Revenue Officials, this Court deems it fit and proper to issue necessary direction to the second and third Respondents to look into the representations of the Petitioner dated 13.06.2016 and 23.07.2016 and to pass necessary orders on merits after providing adequate opportunity to the Petitioner, others and the encroachers in Survey Nos.264/12B, 247/1, 202, 263, Kottampatty Village, Melur Taluk,



Madurai District, after hearing them in the manner known to law and in accordance with law. The second and third Respondents are granted twelve weeks time to remove the encroachments in the water channel (Kanmoi) situated at Survey Nos.264/12B, 247/1, 202, 263, Kottampatty Village, Melur Taluk, Madurai District and to initiate necessary action. It is needless for this Court to point out that initiation of action upon the encroachers will have to be carried out by the Respondents 2 and 3 within the time adumbrated by this Court because of the simple reason that the first representation of the petitioner relates back to 13.06.2016 and nearly more than fifteen months had elapsed thereby.

9. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District.

2. The Block Development Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

3. The Tahsildar,
Melur Taluk,
Madurai District.

4. The Special Officer,
Kottampatty Panchayat Union,
Kottampatty,
Madurai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 82119
+1cc to Mr. N. ANANTHAPADMANABHAN Advocate in SR. No. 82237
PM
JS/SKN.RSK/SAR.1/24.10.2017/3P-7C

ORDER MADE IN
W.P. (MD) No. 3910 of 2017
09.10.2017