



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.23716 of 2016

K.S.Sharfudeen

.. Petitioner

Vs.

- 1.The District Collector,
Thanjavur, Thanjavur District.
- 2.The Revenue Divisional Officer,
Pattukottai, Thanjavur District.
- 3.The Thasildar,
Pattukottai, Thanjavur District.
- 4.The Executive Officer,
Athiramapatinam Panchayat,
Thanjavur District.

.. 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 to remove the encroachments made in Chettiarkulam tank comprised in survey No.261/39 of 153 Athirampattinam Village, admeasuring 2 acres 87 cents by considering the petitioner's representation dated 15.07.2016.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents

: Mr.D.Muruganantham,

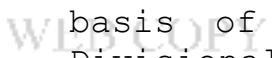
Additional Government Pleader.

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India praying to give necessary direction to the respondents in the form of writ of mandamus to remove encroachments made in Chettiarkulam Tank comprised in Survey No.263/39, Athirampattinam Village, admeasuring 2 acres 87 cents.

2.It is averred in the petition that the petitioner is a native of Vadapuram, Athiramapatinam Village, Thanjavur District. Further it is averred in the petition that Survey No.261/39 has been classified as a tank, known as Chettiarkulam tank and its total extent is 2 acre 87 cents. Now so many encroachments have been made and in order to remove the same, a representation dated 15.07.2016 has been given to all the respondents. But, no action



3.Mr.D.Muruganantham, learned Additional Government Pleader has taken notice for the respondents and represented that on the basis of representation given by the petitioner, the Revenue Divisional Officer, Pattukottai/second respondent has given proper instruction to the concerned Tahsildar to remove encroachments and since already action has been taken on the basis of representation given by the petitioner, the relief sought in the petition need not be granted.

4.It is seen from the records that Survey No.261/39 has been classified as a tank. The main gravamen expressed on the side of the petitioner is that so many encroachments have been made in the tank and further it is seen from the records that on 15.07.2016, the petitioner has given proper representation to all the respondents.

5.As rightly pointed out on the side of the respondents, on the basis of representation dated 15.07.2016, the second respondent/ Revenue Divisional Officer, Pattukottai has given proper instruction to the concerned Tahsildar/third respondent.

6. Even though on the basis of the representation dated 15.07.2016, the second respondent has given proper instruction to the third respondent and considering the nature of encroachments and also considering the fact that Survey No.261/39 has been classified as a tank, this Court is of the view to pass the following order.

7. In fine, this writ petition is allowed without costs and the respondents are strictly directed to remove all encroachments within a period of two months.

Assistant Registrar (AS)

Sub-Assistant Registrar

1.The District Collector, Thanjavur, Thanjavur District.

3.The Thasildar, Pattukottai, Thanjavur District.

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.79725

+One cc to The Special Government Pleader, SR.No.79969

<https://hcservices.courts.gov/Sinhcservices/7C/2P/SIG3/SAB2/14.12.2016>

ORDER MADE IN

W.P (MD) No.23716 of 2016

07.12.2016