



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P(MD)No.2419 of 2018

Dheivam

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Block Development Officer,
(Village Panchayat),
Andipatti Taluk,
Theni District.

3.The Tahsildar,
Andipatti Taluk,
Theni District.

4.Rajangam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the fourth respondent thereby removing the encroachment committed by him in the public concrete over head water tank situated at Pichampatti Village, Kothaloothu Post, Andipatti Taluk, Theni District.

For Petitioner : Mr.V.Sankaranarayanan

For RR 1 & 3 : Mr.VR.Shanmuganathan,
Special Government Pleader.

For R - 2 : Mr.P.Kannithevan,
Government Advocate.

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

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

2.Mr.VR.Shanmuganathan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 3 and Mr.P.Kannithevan, learned Government Advocate, accepts notice on behalf of the second respondent.

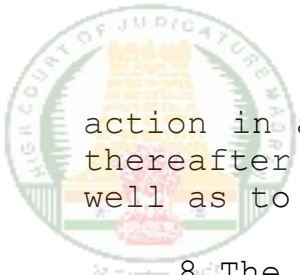
3.The petitioner is a resident of Pichampatti Village, Kothaloothu Post, Andipatti Taluk, Theni District and according to him, there was a concrete public over tank located in the said Village and the fourth respondent has put up a compound wall annexing part of the public tank and as a consequence, whenever workers are going to take water in the said tank, he is preventing them not to do so and in this regard, the petitioner and other residents also lodged a complaint before the first respondent on the Grievance Day and it is also followed by written representations, dated 09.10.2017 and 10.10.2017.

4.The learned counsel appearing for the petitioner would submit that the first respondent, vide communication, dated 19.10.2017 in O.Mu.No.30402/2017/Aa5, directed the third respondent to take appropriate action and the third respondent, who, in turn, has informed the petitioner that necessary action will be taken, after surveying the land in question and though nearly two months had elapsed from that communication, no action has been taken so far and hence, the petitioner came forward to file this Writ Petition.

5.The learned Special Government Pleader appearing for the respondents 1 and 3 would submit that depending upon the survey report, further action would be taken and it is the submission of the learned counsel appearing for the third respondent also.

6.This Court has considered the rival submissions and perused the materials placed on record.

7.Though, the petitioner prays for a larger relief, this Court, in the light of the above said facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the third respondent to put the petitioner as well as the fourth respondent on notice and cause inspection of the land, in which the public water tank is located, and depending upon the result of the same, the respondents 2 and 3 shall take appropriate



action in accordance with law within a further period of four weeks thereafter and communicate the decision taken, to the petitioner as well as to the fourth respondent.

8. The Writ Petition stands disposed of accordingly. No costs.

WEB COPY

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Theni District,
Theni.

2. The Block Development Officer,
(Village Panchayat),
Andipatti, Theni District.

3. The Tahsildar,
Andipatti Taluk,
Theni District.

+One cc to Mr.V.Sankara Narayanan, Advocate, SR.No.46712

+One cc to The Special Government Pleader, SR.No.47257

ps/vsg
RL/6C/3P/SV/MMS/SAR2/7/3/2018

W.P (MD) No.2419 of 2018