



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.2595 of 2018

Gurudevan

.. Petitioner

Vs.

1. The District Collector,
Theni District,
Theni.

2. The Thasildar,
Theni Taluk,
Theni District.

3.Muniasamy

4.Perumalsamy

.. 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 and 2 herein to take necessary action against the respondents 3 and 4 and remove all the constructions putforth by them encroaching the Odai Promboke land in S.F.No.717/3 in Theni District, Theni Taluk, Koduvilarpatti Village, Gopalapuram, considering the representation made by the petitioner dated 10.01.2018.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.M.Murugan
Government Advocate
for R.1 and R.2

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>
By consent, the Writ Petition itself is taken up for final disposal.



2. Mr.A.Murugan, learned Government Advocate accepts notice on behalf of respondents 1 and 2.

3. The petitioner, who claims to be a resident of Gopalapuram, Theni Taluk, Theni District, came forward to file this writ petition as Public Interest Litigation alleging among other things that as per the village accounts of Koduvilarpatti, the land in Survey No.717/3 is classified as Odai (water channel) and the respondents 3 and 4 had encroached upon the same and put up a construction and thereby obstructing the free flow of water. The petitioner, in this regard, submitted a representation dated 10.01.2018 to the first respondent with a copy marked to the other respondents and though the said representation had received an acknowledgment, no action was taken to give a disposal by the official respondents and hence, he came forward to file this writ petition.

4. This Court heard the submissions made by the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

5. This Court, taking into consideration the facts and circumstance of the case and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the second respondent to put on notice on the respondents 3 and 4 as well as any other persons who said to be in possession of the land in Survey No.717/3 of Koduvilarpatti village and cause inspection within a period of six weeks from the date of receipt of a copy of this order and depending upon the inspection, shall take appropriate action on merits and in accordance with law and communicate the decision taken to the petitioner as well as to the private respondents and other persons concerned within a further period of six weeks thereafter.

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

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District, Theni.



2. The Thasildar,
Theni Taluk,
Theni District.

+1 cc TO Mr.A.Mithun Chakravarthi , Advocate in SR No. 47891

+1 cc TO The Special Government Pleader in SR No. 47842

rmi/ssl

AE/SKN RSK/SAR1/19.02.2018/3P/5C

**ORDER MADE IN
W.P (MD) No.2595 of 2018
08.02.2018**