



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.03.2018

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.4368 of 2018

M.Annadurai ... Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District.

2.The District Revenue Officer,
Musiri,
Trichy District.

3.The Tahsildar,
Taluk Office,
Thotiyam,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove all the encroachments in SF.No.34/1 and 39/3 of Kaatuputhur East Village, Thottiyam Taluk, Tiruchirapalli District.

For Petitioner	:Mr.K.Govindarajan
For Respondents	:Mr.D.Muruganantham
	Addl. Government Pleader

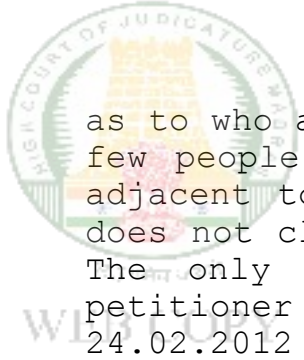
O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.K.Govindarajan, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader accepts notice on behalf of the respondents.

2.By consent, the writ petition itself is taken up for final disposal, at the stage of admission.

3.The petitioner has filed this writ petition stating that there is a fresh water channel running in SF.Nos.34/1 and 39/3 of Kaatuputhur East Village, Thotiyam Taluk, Tiruchirapalli District and few persons have encroached into the channel. In this regard, a representation has been given on 02.01.2018 and on reading of the said representation reveals that the petitioner has not pointed out



as to who are the encroachers and there is only vague averments that few people have encroached into the channel, who are owning lands adjacent to the channel. The FMB sketch produced before this Court does not clearly indicate as to the exact width of the channel etc. The only document, which appears to support the case of the petitioner is a sale deed executed in favour of the petitioner dated 24.02.2012 registered as Document No.317/2012 on the file of the Sub-Registrar, Kaatuputhur Village, in which, one of the boundaries to the property purchased by the petitioner is described as channel. However, we are of the view that since the representation has not pointed out as to the names of the persons, who have encroached and it is not clear as to whether the channel is under the control of the Revenue authorities or the channel is under the control of the Public Works Department, we are not inclined to issue any positive direction in this writ petition at this juncture. We do not wish to nonsuit the petitioner on the above grounds, but to grant liberty to the petitioner to approach the authorities with fresh representation.

In the light of the above, we dispose of the writ petition by directing the petitioner to give fresh representation to the third respondent, if the channel is under the control of the Revenue authorities or under the control of the Public Works Department, clearly stating that the names of the encroachers, enclosing the sketch indicating the encroachment and if such representation is given, the appropriate authority shall consider the same, after causing an inspection after notice to all concerned and pass appropriate orders on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Tiruchirapalli District.
- 2.The District Revenue Officer, Musiri, Trichy District.
- 3.The Tahsildar, Taluk Office, Thotiyam, Trichy District.

+1CC to Mr.K.Govindarajan, Advocate, SR.No. 52363
+1CC to the Special Government Pleader SR.No.53026

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