



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

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

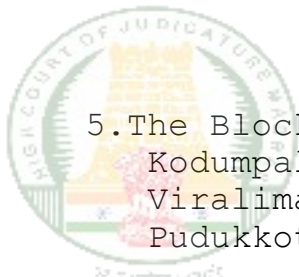
W.P.[MD].No.4560 of 2018
and
W.M.P.(MD)No.4655 of 2018

- 1.S.Anandan
- 2.Thangaiah
- 3.Lakshmi
- 4.P.Rasu
- 5.Malathi
- 6.M.Subbiah
- 7.Karuththakkannu
- 8.Nallammal
- 9.Manimaran
- 10.Eswari
- 11.A.Chellammal
- 12.A.Alagar
- 13.Duraisamy
- 14.S.Arumugam
- 15.S.Eswari
- 16.Ponnammal
- 17.Samikannu
- 18.C.Uma
- 19.A.Anandan
- 20.Sekarraj
- 21.D.Murugesan

: Petitioners

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.
- 4.The Tashildar,
Viralimalai Taluk,
Pudukkottai District.



5.The Block Development Officer,
Kodumpalur,
Viralimalai Taluk,
Pudukkottai District.

6.Selvaraj

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioners peaceful possession and enjoyment of their house properties situated in Survey No.40 at Kasavanur Village, Kodumpalur Chathiram, Viralimalai Taluk, Pudukkottai District not to otherwise than due process of law based on their representation submitted in person dated 01.02.2018 besides directing the respondents 1 to 4 to hold an enquiry by giving opportunity of personal hearing serving notices to the petitioners as directed by this Court in the writ petition in W.P.(MD)No.21787 of 2017 dated 27.11.2017 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For R1 to R4 : Mr.D.Muruganantham
Additional Government Pleader.
For R5 : Mr.B.Bahavathi

O R D E R

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

Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioner, Mr.D.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.B.Bahavathi, learned counsel, who accepts notice on behalf of the 5th respondent. In the light of the directions we propose to issue, notice to the 6th respondent is dispensed with.

2.After hearing the learned counsel appearing for the petitioners for considerable length of time and carefully perusing the averments set out in the writ petition and the documents annexed in the typed set of papers, we find that the attempt of the writ petitioners is to prevent the official respondents to implement the order and directions issued by the Division Bench of this Court in W.P.(MD)No.21787 of 2017 dated 27.11.2017 filed by the 6th respondent herein. The 6th respondent approached this Court and submitted that there are encroachments in the Kudineer Sadhura Kinaru Kodumpalur Chathiram Oorani, which is classified as water body extended over 1 Hectare and 39 ares in S.No.40 at Kasavanur Village, Kodumpalur Chathiram, Viralimalai Taluk, Pudukkottai District. In the said writ petition, the encroachers / petitioners herein were not impleaded as parties.

3.However, the Court taking into consideration that there is a legal duty cast upon the official respondents to safeguard the national resource of water body and noted that no action has been



taken so far to enforce the legal rights of the people has issued directions to the official respondents. The Court was conscious of the fact that the encroachers were not made as party respondents in the writ petition and while directing the official respondents to take action to remove the encroachments, the Court considered the case of the encroachers and issued appropriate directions to the authorities to provide opportunity of personal hearing, if the encroachers desires so and then to pass orders by disposing of the representations of the 6th respondent dated 14.06.2016 and 26.08.2017, within a period of twelve weeks from the date of receipt of a copy of the said order. Even before the official respondents could act on the directions issued by this Court in the said writ petition, the petitioner has come forward with this writ petition, which in our opinion is only to prevent the authorities from proceedings further in accordance with law.

4.We find that there is no material placed by the petitioner to show that the official respondents have not adhered to the directions issued by the Division Bench of this Court in W.P. (MD)No.21787 of 2017 dated 27.11.2017. Thus, we find that the present attempt of the petitioners is clearly an abuse of process of law and an attempt to scuttle the authorities from taking action. Therefore, the prayer sought for in the writ petition cannot be acceded and accordingly, dismissed. However, we find that the petitioners have submitted a combined representation dated 01.02.2018 pointing out that as to why they should not be evicted from the land in question. Thus, the petitioners themselves having approached the authorities by way of this representation dated 01.02.2018, we direct the fourth respondent to take note of the representation dated 01.02.2018 and afford an opportunity of personal hearing to the petitioners, if they so desires, and implement the directions issued in W.P.(MD)No.21787 of 2017 dated 27.11.2017, within the time permitted by the Court in the said order.

5.With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.



2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.

4.The Tashildar,
Viralimalai Taluk,
Pudukkottai District.

5.The Block Development Officer,
Kodumpalur,
Viralimalai Taluk,
Pudukkottai District.

+1cc to M/S.B.Prahalad Ravi, Advocate SR.No. 53450
+1cc to Special Government Pleader, SR.No. 53316

ORDER MADE IN
W.P. [MD] .No.4560 of 2018
05.03.2018

myr/ta
JM/SV MMS/SAR 4/20.03.2018/4P/8C