



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2018

CORAM:

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

W.P(MD)No.5601 of 2018

K.Kulanthaivel ... Petitioner

Vs.

1. The District Collector,  
Trichy District, Trichy.
2. The Tahsildar,  
Thiruverumbur Circle,  
Trichy District.
3. The Block Development Officer,  
Thiruverumbur Circle,  
Thiruverumbur Taluk,  
Trichy District.

4.S.Ramesh Kumar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent company in water body in Survey No.36/2 in Kundoor Village, Thiruverumbur Circle, Trichirappali District.

|                 |                                                                         |
|-----------------|-------------------------------------------------------------------------|
| For Petitioner  | : Mr.R.Pandi Maharaja                                                   |
| For Respondents | : Mr.A.Muthukaruppan<br>Additional Government Pleader<br>for R.1 to R.3 |

**ORDER**

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

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



2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

3. The petitioner, who is the resident of Anna Nagar, Trichy, came forward to file this writ petition styled as a Public Interest Litigation and he would state that he was an Assistant Jailor in the services of Tamil Nadu Prison Services and after his retirement, espousing the public causes and according to him, he used to go to Arulmigu Pillayar Temple at Kundoor Village, which is nearest to his residence and on the nearest to the said temple, there was a water body in Survey No.36/2, which also belongs to the said temple.

4. It is the specific case of the petitioner that the fourth respondent, while putting up a superstructure in his patta land, tried to construct a compound wall, by encroaching upon the water tank belonging to the said temple and it was also brought to the knowledge of the Revenue Divisional Officer, who in turn, vide communication, dated 19.07.2016, in Oo.Mu.A5-1748-2016, has directed the Revenue Tahsildar, Thiruverumbur, who is the second respondent herein, to conduct enquiry and take appropriate action and send a report and since no response is forthcoming, the petitioner has also sent a detailed representation, dated 05.03.2018 to the respondents 1 and 2 and despite of receipt of acknowledgment of the said representation, nothing has been done to remove the encroachment and on account of the same, the fourth respondent got embolden and proceeded further with the construction and therefore, prays for appropriate orders.

5. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 2 and 3 to cause joint inspection of the tank / water body in Survey No.36/2, Kundoor Village, after putting the petitioner and the fourth respondent on notice, within a period of four weeks from the date of receipt of a copy of this order and depends upon the result of the survey or inspection, the second respondent shall take appropriate action to remove the encroachment if any, within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as the fourth respondent.

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

Sd/-

Assistant Registrar(CO)



To

1. The District Collector,  
Trichy District, Trichy.

2. The Tahsildar,  
Thiruverumbur Circle,  
Trichy District.

3. The Block Development Officer,  
Thiruverumbur Circle,  
Thiruverumbur Taluk,  
Trichy District.

+ 1 cc TO Mr.C.M.Arumugam , Advocate in SR No. 56079

+ 1 cc TO The Special Government Pleader in SR No. 56275

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**W.P(MD)No.5601 of 2018**  
**16.03.2018**