



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.P.[MD].No.13153 of 2018

M/s.Aru.Siva.Vannia Nadar Memorial Trust,
Represented by its Founder Patron Wing,
Commander S.Janakarajan, I.A.F[Road],
O/o.78-B, I.C.A.Colony, Ramamoorthy Road,
Virudhunagar 626 002.

: Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar 626 002.
2. The Revenue Divisional Officer,
Aruppukottai Division,
Aruppukottai 626 101.
3. The Commissioner,
Aruppukottai Municipal Council,
Aruppukottai 626 101.
4. The Manager,
Aruppukottai Municipal Council,
Aruppukottai 626 101.
5. The Sub-Registrar,
Sub-Registration Office,
Aruppukottai 626 101.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent\ to retrieve the water body from illegal encroachers by demolishing the illegal encroached constructions and retrieve and rededicate it to public use and utility, maintainable by the petitioner trust for the perpetual use of the public, subsequently directing the respondents 2 to 5 to cancel the allotment of pattas, survey numbers and tax assessment of the impugned water body to the illegal water body encroachers and cancel all the registrations with respect to the impugned public water body in question respectively.



WEB COPY

For petitioner
For respondents
1, 2 &5
For Respondents 3&4

: Mr.A.Kasinagalingam
: Mr.A.K.Baskarapandian
Special Government Pleader
: Mr.N.Dilipkumar
Standing Counsel

O R D E R

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

The petitioner is a trust. Alleging that the water body has been encroached, the present Writ Petition has been filed.

2. Today, a detailed report has been filed by the first respondent herein. The report discloses two facts. Insofar as the Survey No.111/5 is concerned, action is being contemplated, though not taken. However, 1/3 of the total extent of the land is under occupation by way of construction of houses and shops. Survey No.111/6 is classified as Government Oorani Poramboke and there is no encroachment in water course classification. However, this land is covered by Julifora trees [seemaikaruvelam trees].

3. Thus, in the light of the aforesaid report, we direct the respondents 1 to 3 to take appropriate action to remove the encroachment in Survey No.111/5, after following the due process of law. The needful will have to be done within a period of twelve weeks from the date of receipt of a copy of this order. Insofar as Survey No.111/6 is concerned, Julifora trees [seemaikaruvelam trees] are found, which will have to be removed within a period of twelve weeks from the date of receipt of a copy of this order. After removal, efforts will have to be made to maintain the aforesaid land as a water body.

4. The Writ Petition stands disposed of accordingly. No costs.
Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar 626 002.

2. The Revenue Divisional Officer,
Aruppukottai Division,
Aruppukottai 626 101.



3. The Commissioner,
Aruppukottai Municipal Council,
Aruppukottai 626 101.

4. The Manager,
Aruppukottai Municipal Council,
Aruppukottai 626 101.

5. The Sub-Registrar,
Sub-Registration Office,
Aruppukottai 626 101.

+1cc to Mr.N.Dilipkumar, Advocate Sr.No.86485
+1cc to Mr.A.Kasinagalingam, Advocate Sr.No.86074
+1cc to Spl.Government Pleader Sr.No.86373

NB

VB/RP/SAR2/11.10.2018/3P/9C

**ORDER MADE IN
W.P. [MD] .No.13153 of 2018
24.09.2018**