



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.16007 of 2018

and

W.M.P.(MD) Nos.14274 and 14275 of 2018

Asaithambi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Nilakkottai Taluk,
Nilakkottai,
Dindigul District.

3.The Block Development Officer,
Batlagundu Panchayat Union,
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the third respondent vide his proceedings in Na.Ka.No.1840/2017/A8, dated 21.06.2018 and quash the same as illegal.

For Petitioner : Mrs.K.Vidya
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

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

This Writ Petition is directed against the impugned order dated 21.06.2018, issued by the Block Development Officer, Batlagundu Panchayat Union, Dindigul District, third respondent herein, taking steps to remove the encroachment found in water course (வாய் ஓடை) in Survey No.512/3 situated in Keezha Theppathupatti Village, Nilakottai Taluk, Dindigul District. As the petitioner is also found encroaching into the water Course (வாய் ஓடை) in Survey No.512/3 to an extent of 0.10.0 hectare, time has been granted till 10.07.2018 to remove the encroachment failing which the impugned notice stated that legal action will be taken against the petitioner and two others namely Kayilairajan and Chinnathambi, as they are also encroaching the land covered in Survey No.512/3.



2.Heard both sides.

3.The learned Counsel appearing for the petitioner would submit that by virtue of a registered sale deed dated 09.02.1979, 62 cents have been purchased in Survey No.511/2.

4.A careful perusal of the schedule of property sold under the registered sale deed clearly shows that the petitioner has purchased only 62 cents in Survey No.511 and there is no other document produced before us to show that the petitioner is also the owner of a part of the land covered in Survey No.512/3 which is a water course (வாரி ஓடை). Therefore, we are unable to find any merits in the Writ Petition. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Nilakkottai Taluk,
Nilakkottai,
Dindigul District.
- 3.The Block Development Officer,
Batlagundu Panchayat Union,
Dindigul District.

+1CC to the Special Government Pleader SR.No. 78930

W.P(MD)No.16007 of 2018 and
W.M.P. (MD) Nos.14274 and 14275 of 2018
14.08.2018