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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.01.2018

CORAM:

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

W.P (MD) No.21721 of 2017

Palanivel

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai, Pudukkottai District.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai, Pudukkottai District.

3.Arunachalam

4.Jayaraman

5.Krishnan

6.Karuppaiya

7.Annadurai

8.Vijayan

9.Krishnan

[Respondents 3 to 9 are impleaded, vide
order, dated 19.01.2018, made in
W.M.P (MD) No.19650 of 2017].

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 28.02.2017 for removing of all illegal encroachment made in Puthukulam tank water channel in respect of Survey No.168 situated at Chidambaraviduthi Village, Aranthangi Taluk, Pudukkottai District within a stipulated time, fixed by this Court.

For Petitioner

: Mr.Sasidharan Tamilkani
for Mrs.A.Banumathy

For Respondents 1 and 2

: Mr.M.Murugan,
Government Advocate.

ORDER

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

By consent, this writ petition is taken up for final disposal.

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2.Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of the respondents 1 and 2.

3.This writ petition is styled as a "Public Interest Litigation" filed by the petitioner, who is the resident of Chidambaraviduthi Village, Aranthangi Taluk, Pudukkottai District and he would aver among other things that the private respondents had encroached upon the water channel, located in Survey No.168 of the said village and it is his specific case that the said water course is the main channel to augment the water in Puthukulam Tank, situated in Survey No.172 and on account of the said encroachment, the said water body may disappear and in this regard, he submitted a representation, dated 28.02.2017, to the first respondent and the office of the first respondent, in turn, directed the second respondent herein, to cause the inspection and if there is any encroachment, calling upon them to remove the same and inform the same to the office, within a stipulated time.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the endorsement of the second respondent, dated 07.04.2017, made in O.Mu.2847/2017/A1 and would submit that admittedly, the lands in Survey Nos.168/1A, 168/2A, 168/3A4, 168/3B2, 168/3C4F are classified as "Poosthithi Vaari" and despite that, pattas have been granted in favour of the private respondents and hence, prays for appropriate orders.

5.Per contra, Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 and 2, would submit that the representation submitted by the petitioner, would be duly considered in accordance with law, after putting the private respondents, on notice.

6.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to take note of his endorsement, dated 07.04.2017, and further take note of the Judgment reported in 2015(6) CTC 369 [T.K.Shanmugam, Secretary, CPI(M), North Chennai District Committee, Chennai - 11 v. State of Tamil Nadu, rep. by Secretary to Government, Department of Revenue, Fort St. George, Chennai - 9 and Others] and after putting the private respondents on notice, shall consider and dispose of the petitioner's last representation, dated 05.06.2017, on merits and in accordance with law, and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the private respondents.



7.The writ petition stands disposed of accordingly. No costs.

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/True Copy/

Sd/-
Assistant Registrar(RTI)

Sub-Assistant Registrar

To

1.The District Collector,
Pudukkottai, Pudukkottai District.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai, Pudukkottai District.

+One cc to M/s.A.Banumathy, Advocate, SR.No.43008

+One cc to The Special Government Pleader, SR.No.43676

gns/smn

RL/5C/3P/KK/SAR1/6/2/2018

ORDER MADE IN

W.P (MD) No.21721 of 2017

19.01.2018