



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.11708 of 2016

AL.Chidambaram

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Madurai District, Collectorate, Madurai.

4.The Tahsildar,
Melur Taluk, Melur,
Madurai District.

.. 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 1 to 4 to remove the encroachments made in Muthandi kanmoi in Survey No.232, Navinipatti Village, Melur Taluk, Madurai District belonging to the Government and to dug the Kanmoi deeply and thereby restore the tank for full fledged cultivation use based on the petitioner's representation, dated 28.09.2015.

For Petitioner

: Mr.T.Amjad Khan

For Respondents

: Mr.A.Muthukaruppan,
Additional Government Pleader.

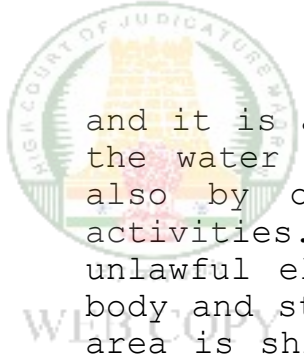
ORDER

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

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

2.Mr.A.Muthukaruppan, learned Additional Government Pleader, appears, on behalf of the respondents.

3.The petitioner claims to be a resident of Gandhiadigal Street, Navinipatti Post, Melur Taluk, Madurai District and he is an agriculturist and according to him, in Survey No.232 of the said Village, there is a water body, namely, "Muthandi Kanmai" located



and it is a main water source of surrounding agricultural lands and the water stored therein is used not only by the petitioner, but also by other agriculturists for carrying on the agricultural activities. The petitioner expressed the grievance that some unlawful elements had high-handedly encroached upon the said water body and started obliterating the same and as a result, the storage area is shrinking day by day. The petitioner, in this regard, has submitted a representation, dated 21.09.2015, to the respondents 2, 3 and 4, followed by one more representation, dated 28.09.2015 to the first respondent and despite receipt and acknowledgment, not even an inspection has been caused and no action, at all, has been taken and left with no other option, he is constrained to approach this Court by filing this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed-set of documents, especially, the photographs and would submit that due to high-handed action of the persons, who are indulging in illegal activities, the water body has been encroached and is still losing its usage and though the said fact has been brought to the knowledge of the officials respondents, they exhibited the total apathy and not intend to take any action at all and further he was assaulted by those persons and left with no other option, he is constrained to approach this Court by filing this writ petition.

5.The learned Additional Government Pleader appearing for the respondents would submit that the representation submitted by the petitioner will be considered and disposed of, in accordance with law, at the earliest.

6.This Court has considered the rival submissions and also perused the materials placed before it.

7.This Court, taking in consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the fourth respondent to cause inspection of "Muthandi Kanmai" situated at Navinipatti Village, Melur Taluk, Madurai District and if any encroachments are found, shall put them on notice and thereafter, cause inspection, within a period of six weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take immediate and necessary steps to remove the encroachments in accordance with law, within a further period of 10 weeks, thereafter, and communicate the decision taken, to the petitioner as well as to the encroachers.

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

Sd/-
Assistant Registrar (RTI)

/True Copy/



To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Madurai District, Collectorate, Madurai.
- 4.The Tahsildar,
Melur Taluk, Melur,
Madurai District.

+One cc to Mr.N.Ananthapadmanaban, Advocate, SR.No.43629

smn

RL/6C/3P/GT/SAR3/12/2/2018

ORDER MADE IN

W.P (MD) No.11708 of 2016

22.01.2018