



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2018

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THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) Nos.22580 and 19550 of 2017
and
W.M.P. (MD) Nos.18880 and 15840 of 2017
and
Cont.P. (MD) No.2176 of 2017
in
W.M.P. (MD) No.15840 of 2017
in
W.P. (MD) No.19550 of 2017

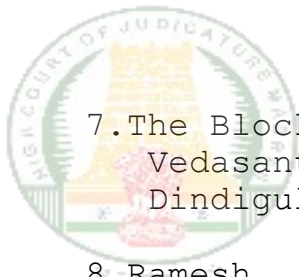
W.P. (MD) No.22580 of 2017

K.Ramasamy

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Additional Secretary
cum Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Dindigul District,Dindigul.
- 3.The Commissioner,
Hindu Religious Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
- 4.The Sub-Collector,
Palani, Dindigul District.
- 5.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.
- 6.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Palani, Dindigul District.



7.The Block Development Officer,
Vedasanthur Panchayat Union,
Dindigul.

8.Ramesh

9.V.Sakthivel.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 2 to 7 to remove the encroachment made by the respondents 8 and 9 in the Government land in Survey Nos.357, 358, 344/2, 303 and the water bodies in Survey No.292 and 1006 in Kuttam Village, Vedasanthur Taluk, Dindigul District and to consequently direct the respondents to restore the water body in the said place in the light of the Full Bench judgment of this Hon'ble Court in T.K.Shanmugam Vs. State of Tamil Nadu, (2015)6 CTC 369, within a stipulated as fixed by this Court and quash the same as illegal.

For Petitioner : Mr.E.Marees Kumar
for M/s Ajmal Associates

For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by
Mr.A.K.Baskara Pandian
Special Government Pleader
for R.1 to R.7
: Mr.V.Raghavachari
for R.8 and R.9

W.P.(MD)No.19550 of 2017

R.Backiam

...Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub-Collector,
Palani,
Dindigul District.

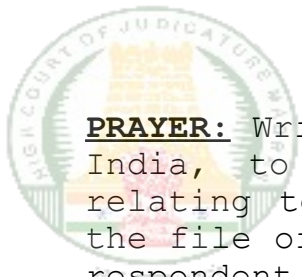
3.The Tahsildar,
Vedasanthur Taluk,
Vedasanthur, Dindigul District.

4.The Block Development Officer,
Vedasanthur Panchayat Union,
Vedasanthur, Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Rameshkumar

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the order dated 13.10.2017 in Na.Ka.No.4043/2016/A6 on the file of the Sub-Collector, Palani, Dindigul District, the second respondent herein and quash the same.

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For Petitioner : Mr.A.V.Arun

For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by
Mr.A.K.Baskara Pandian
Special Government Pleader
for R.1 to R.4
: Mr.V.Raghavachari
for R.5

Cont.P(MD)No.2176 of 2017

R.Backiam ...Petitioner/Petitioner/Petitioner

Vs.

1.Thiru.Arunraj,
Sub-Collector,
Palani,
Dindigul District.

2.Thiru.Dasavadharan,
Tahsildar,
Vedasanthur Taluk,
Vedasanthur,
Dindigul District.

3.Thiru.Seetharam,
Block Development Officer,
Vedasanthur Panchayat Union,
Vedasanthur,
Dindigul District.

4.Rameshkumar ...Contemnors/Respondents/Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to take suitable action against the respondents 1 to 4 herein in accordance with law for willful disobedience and contempt of the order dated 24.10.2017 passed in W.M.P.No.15840 of 2017 in W.P.(MD) No.19550 of 2017 and punish them under Contempt of Court Act.

Prayer in WMP(MD)No.15840/2017 in WP(MD)No.19550/2017:

To stay all further proceedings pursuant to the order dated 13.10.2017 in Na.Ka.No.4043/2016/A6 on the file of the Sub-Collector, Palani, Dindigul District, the 2nd Respondent herein pending Disposal of writ petition as above.



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For Petitioner : Mr.A.V.Arun
For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by
Mr.A.K.Baskara Pandian
Special Government Pleader
for R.1 to R.3
: Mr.V.Raghavachari
for R.4

COMMON ORDER

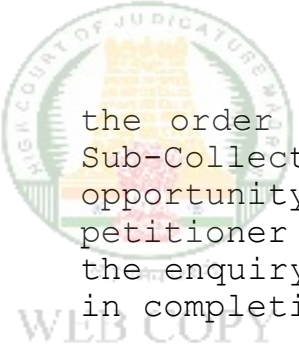
(Order of the Court was made by M.DURAI SWAMY., J)

W.P.(MD)Nos.19550 of 2017 and 22580 of 2017 have been filed by one R.Backiam and K.Ramasamy respectively seeking for issuance of Writ of Certiorari calling for the records relating to the order dated 13.10.2017 on the file of the second respondent and quash the same and for the issuance of a Writ of Mandamus directing the respondents 2 to 7 to remove the encroachment made by the respondents 8 and 9 in the Government land in Survey Nos.357, 358, 344/2, 303 and the water bodies in Survey No.292 and 1006 in Kuttam Village, Vedasanthur Taluk, Dindigul District and consequently direct the respondents to restore the water body in the said place in the light of the Full Bench judgment of this Court in T.K.Shanmugam Vs. State of Tamil Nadu, reported in (2015)6 CTC 369, within a time frame.

2. When the matters were taken up for hearing on earlier occasion, the Tahsildar, Vedasanthur Taluk was directed to file a report as to the alleged encroachment made in the Government lands. Pursuant to the said direction, the Tahsildar has filed a report dated 28.06.2018 before this Court, wherein he has stated that both the writ petitioners as well as the private respondents have encroached the lands in Survey Nos.345/2, 345/1B, 295/2, 345/3B and 339/2. The petitioners and the private respondents filed their objections taking a stand that they have not encroached the Government lands as stated by the Tahsildar in his report.

3. Admittedly the Tahsildar has not so far issued any notice to the writ petitioners for removing the encroachment. It is needless to say that the encroachment made by the encroachers can be removed following due process of law.

4. In these circumstances, we direct the Sub-Collector, Palani, Dindigul District, to issue fresh notice to all the encroachers and after considering the objections filed by the petitioners and the private respondents to the report of the Tahsildar before this Court, take appropriate action for removal of the encroachments in accordance with law after conducting enquiry within a period of four weeks from the date of receipt of a copy of this order. In view of



the order passed in these writ petitions, the order passed by the Sub-Collector, dated 13.10.2017 is set aside for affording fresh opportunity to the parties. It is needless to say that the petitioner as well as the private respondents shall co-operate in the enquiry proceedings to be initiated by the Sub-Collector, Palani in completing the process within the time stipulated by this Court.

5. With these observations, the Writ Petition in W.P.(MD) No.19550 of 2017 is allowed and the writ petition in W.P.(MD) No.22580 of 2017 is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed. In view of the order passed in W.P.(MD)No.19550 of 2017 and W.P.(MD)No.22580 of 2017, the contempt petition in Cont.P.(MD)No.2176 of 2017 is closed.

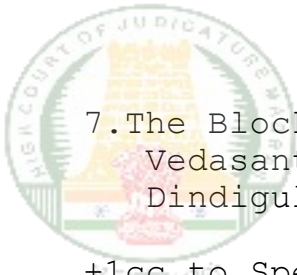
Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Additional Secretary
cum Commissioner of Land Administration,
The State of Tamil Nadu,
Ezhilagam,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Commissioner,
Hindu Religious Endowments Department,
119, Uthamar Gandhi Salai,
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- 4.The Sub-Collector,
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- 5.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.
- 6.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Palani,
Dindigul District.



7. The Block Development Officer,
Vedasanthur Panchayat Union,
Dindigul.

+1cc to Special Government Pleader, SR.No.75560,75381&75851.

+1cc to M/s Ajmal Associates, Advocate, SR.No.75460.

+2cc to Mr.A.V.Arun, Advocate, SR.No.75223.

+1cc to Mr.V.Raghavachari, Advocate, SR.No.75424.

W.P. (MD) Nos.22580 and 19550 of 2017

and

W.M.P. (MD) Nos.18880 and 15840 of 2017

and

Cont.P. (MD) No.2176 of 2017

in

W.M.P. (MD) No.15840 of 2017

in

W.P. (MD) No.19550 of 2017

26.07.2018

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RAM/RP/SAR 2/30.07.2018/6P/13C