



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.01.2018

CORAM:

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

W.P(MD)No.2967 of 2017
and
C.M.P(MD)No.12079 of 2017

C.Sundarapandian

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Sivagangai District.
- 2.The Sub Collector,
Sub Collector's Office,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Tahsildar's Office,
Devakottai,
Sivagangai District.
- 4.The Head Quarters Surveyor,
Tahsildar's Office,
Devakottai,
Sivagangai District.
- 5.The Tahsildar,
Tahsildar's Office,
Karaikudi,
Sivagangai District.

- 6.Mayalagu
- 7.Adaikalam
- 8.Vellaisamy
- 9.Andiyappan
- 10.Vellaisamy
- 11.Pandian
- 12.Murugesan
- 13.Subbiah
- 14.Prabhu
- 15.Saravanan
- 16.Adaikalam

... Respondents

(R - 5 impleaded vide order, dated 13.04.2017
in W.M.P(MD)No.3967 of 2017)



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent herein to remove the encroachments in the Tank situated in Survey No.36, Hectare 7.14.5 Ares, in Aambakudi Group, Karaikudi Taluk, Sivagangai District by considering the petitioner's representation, dated 27.09.2016.

For Petitioner : Mr.K.Rajeshwaran
 For RR 1 to 5 : Mr.A.K.Baskara Pandian,
 Special Government Pleader.

ORDER

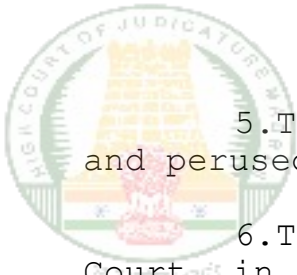
(Order of the Court was made by
 M.SATHYANARAYANAN, J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner claims to be a resident of Pukkudi Village, Pudhuvayal Post, Karaikudi Taluk, Sivagangai District and according to him, there is a Tank situated in Survey No.36, Aambakudi Group, Karaikudi Taluk, Sivagangai District and it is having an extent of 7.14.5 ares. According to the petitioner, he along with other villagers are wholly depending upon the water from the said Tank for agricultural and other purposes. It is also specifically averred by the petitioner that the respondents 6 to 16 had encroached upon the water body and started putting up superstructure and in this regard, the petitioner submitted a representation, dated 27.09.2016 to the third respondent and the fifth respondent and despite receipt of acknowledgement, no orders have been passed, he is constrained to file the present Writ Petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the additional typed-set of papers filed on 30.06.2017 and would submit that as per the information obtained by Mr.J.Murugesan under the Right to Information Act, the Public Information Officer/Head Quarters Deputy Tahsildar, Karaikudi, has furnished the information, dated 18.05.2017 stating that as per the village accounts, Survey No.36, admeasuring to an extent of 7.14.5 Hectares is classified as "Kanmoi" (water body) and as such, encroachment cannot be made on the water body.

4.Per contra, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 to 5 would submit that after carrying out inspection, proper action will be taken based on the representation submitted by the petitioner.



5.This Court has carefully considered the rival submissions and perused the materials available on record.

6.Though the petitioner sought for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representation dated 27.09.2016 or in this Writ Petition, directs the fifth respondent to consider the same on merits and in accordance with law, after putting respondents 6 to 16 on notice, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as respondents 6 to 16.

7.This Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Collectorate, Sivagangai District.
- 2.The Sub Collector,
Sub Collector's Office,
Devakottai, Sivagangai District.
- 3.The Tahsildar,
Tahsildar's Office,
Devakottai, Sivagangai District.
- 4.The Head Quarters Surveyor,
Tahsildar's Office,
Devakottai, Sivagangai District.
- 5.The Tahsildar,
Tahsildar's Office,
Karaikudi,
Sivagangai District.

+One cc to The Special Government Pleader, SR.No.40273
+One cc to Mr.K.Rajeswaran, Advocate, SR.No.40141

ps

RL/8C/3P/KK/SAR4/19/1/2018

W.P (MD) No.2967 of 2017