



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)NO.1335 OF 2019

M.Neelamegam

: Petitioner

.vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.A.Nachiapillai

4.A.Barathi

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to remove the encroachment made by the respondents 3 and 4 in S.No.155/2 of Marampady Village, Vedasandur Taluk which is classified as 'Water body', by following the due process and within the time frame specified by this Court.

For Petitioner : Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates

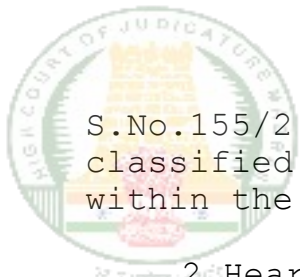
For Respondents : Mr.M.Pandiarajan
1 and 2 Addl.Govt.Pleader

For Respondents : Mr.G.Gomathi Shankar
3 and 4

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM. ,J.**]

<https://hcservices.ecourts.gov.in/hcservices/> The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus to direct the second respondent to remove the encroachment made by the respondents 3 and 4 in



S.No.155/2 of Marampady Village, Vendasandur Taluk which is classified as 'Water body', by following the due process and within the time frame specified by this Court.

2. Heard Mr.S.Anand Chandrasekar, learned counsel appearing for the Petitioner, Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.G.Gomathi Shankar, learned counsel appearing for the respondents 3 and 4 and perused the materials available on record.

3. The case of the Petitioner is that his father served in the Army and after his retirement, the Government had assigned land in S.No.155/1. The grievance of the Petitioner is that the respondents 3 and 4 have encroached upon the lands in S.No.155/2, which is classified as a 'water body'.

4. Mr.G.Gomathi Shankar, learned counsel appearing for the respondents 3 and 4 would state that the entire land in S.No.155 was originally classified as 'Odai Poramboke' and the Petitioner has also made an encroachment in S.No.155. It is further stated that the suit filed by the Petitioner in O.S.No.57 of 2012, on the file of District Munsif Court, Vendasandur with the same prayer was dismissed for non prosecution.

5. Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents 1 and 2 would state that the second respondent is ready to conduct survey of the entire land in S.Nos.155/1 and 155/2 and if there is any encroachment in the above said survey numbers, the second respondent will remove the same.

6. In reply, the learned counsel for the Petitioner would state that though the suit in O.S.No.57 of 2012 was dismissed for non prosecution, the Petition filed to restore the suit was not entertained in view of the direction given by this Court in a Public Interest Litigation.

7. However, considering the facts and circumstances of the case, the second respondent is directed to conduct a survey in S.Nos.155/1 and 155/2 of Marampady Village, Vendasandur Taluk and during survey, if any encroachment is found out, the Second respondent is directed to remove the same in accordance with law, after providing opportunity to all the parties concerned.

8. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate SR-54915
+1 CC to M/s.G.GOMATHI SANKAR, Advocate SR-55163

ORDER MADE IN
W.P (MD) NO.1335 of 2019
19.03.2019

vsn
SP/PK/03.04.2019 : 2P/5C