



W.P(MD)NO.14966 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.14966 OF 2019

and

W.M.P(MD)No.11475 of 2019

T.Sakthivel

:Petitioner

.vs.

1.The District Collector,
District Collector Office,
Dindigul.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3.The Block Development Officer,
Union Office,
Reddiyar Chatram,
Dindigul District.

4.The Deputy Surveyor,
Dharmathupatti,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the impugned proceedings/memorandum of the third respondent in Na.Ka.No.1250/2018/Aa3, dated 21.6.2019 and to quash the same as arbitrary and without jurisdiction.

For Petitioner

:Mr.H.Lakshmi Shankar

For Respondents

:Mr.M.Karuppasamy

1,2 and 4

Govt.Advocate

For Respondent-3

:No appearance

O R D E R

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

This Writ Petition is filed challenging the proceedings of the third respondent, dated 21.6.2019, wherein and whereby, the Petitioner was called upon to remove the bore-well located in Mandhaikulam, Kasavanampatti Village, Konoor

<https://hc-services.courts.gov.in/hc-services/>



Panchayat, Reddiyarchatram Panchayat Union, by contending that the same was put up by the Petitioner by way of encroachment in the Government Poramboke land.

2. Heard both sides.

3. The claim of the Petitioner before this Court is that the subject-matter bore-well is situated within the private land and therefore, the impugned proceedings cannot be sustained.

4. On the other hand, it was contended by the learned counsel appearing for the respondents 1, 2 and 4, based on instructions, that the subject-matter bore-well is situated in the Government Poramboke land and therefore, it is clear that encroachment is made by the Petitioner. When such rival contentions were made, we directed the revenue Officials to conduct a survey and report before this Court as to whether the disputed bore-well is situated within the private property belonging to the Writ Petitioner or in the Government Poramboke land, as claimed by the respondents. Accordingly, the matter is adjourned for filing such survey report.

5. Today, the matter is taken up for further hearing. The learned Government Advocate produced a communication, dated 16.7.2019 issued by the Tahsildar, Dindigul West Taluk, Dindigul addressed to the Government Advocate of this Court. In the said communication, it is stated that survey was conducted on 15.7.2019 and it was found that the subject-matter bore-well is not located within the property belonging to the Petitioner and on the other hand, it is located only at S.No.698/1 i.e., 10 ft away from the Petitioner's property. Therefore, it is stated that the said bore-well is located in the Government Poramboke land and consequently, the same is required by the respondents for utilizing the same for the public purpose. The learned counsel for the Petitioner is served with a copy of the above communication along with enclosures. He fairly submitted that in view of the survey conducted by the Revenue Department, it is now clear that the subject-matter bore-well is located 10ft away from the Petitioner's property and therefore, the Petitioner will not make any claim over the said bore-well. However, the learned counsel for the Petitioner sought some breathing time to remove the Motor Pump-set fixed in the said bore-well, so as to enable him to utilize the same while digging another bore-well in his land.

6. Considering the above-stated facts and circumstances and in view of the fact that the subject-matter bore-well is now found to be in Government Poramboke land, the Petitioner is not entitled to use the same by way of encroachment.

7. Accordingly, the notice impugned in this Writ Petition is rightly issued, with which, we are not inclined to interfere. As the



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Petitioner is seeking only breathing time to remove the motor pump-set fixed in the said bore-well, he is granted three weeks time to remove the said motor pump-set, so as to enable the respondents to utilize the bore-well for the public purpose, as contended before this Court.

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8.The Writ Petition is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
District Collector Office,
Dindigul.
- 2.The Tahsildar,
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Dindigul District.
- 3.The Block Development Officer,
Union Office,
Reddiyar Chatram,
Dindigul District.
- 4.The Deputy Surveyor,
Dharmathupatti,
Dindigul District.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate SR-80211.

+1 CC to SPL GP SR-80323.

ORDER MADE IN
W.P (MD) NO.14966 OF 2019
and
W.M.P (MD) No.11475 of 2019
06.08.2019

CS (16.09.2019) 3P 7C