



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.6104 of 2019

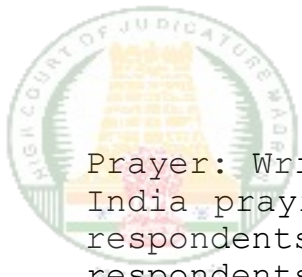
T.S.K.Sathaiah

... Petitioner

Vs.

- 1.The District Collector,
Pudukottai District.
- 2.The Tahsildar,
Aranthangi,
Pudukottai District.
- 3.The Assistant Engineer,
Public Works Department (WRO),
Pudukottai District.
- 4.Rengasamy,
S/o.Chelliah
- 5.Pottu
- 6.Karuppiah
- 7.Periyasamy
- 8.Rengasamy,
S/o.Karuppiah
- 9.Aanandan
- 10.Gunasekaran
- 11.Pethiah
- 12.Ayyavu

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 12 and others in water body by name Paalakulam situate in Survey No.285, 268 and 264 at Aravarkulam "Melpathi" Revenue Village, Aranthangi Taluk, Pudukottai District over an extent of 3.68 acre, 4.80 acre and 10.75 acre respectively.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader
R1 to R3

: Mr.K.Balasundharam,
R8 to R10 and R12

: No appearance
for R4 to R7 and 11

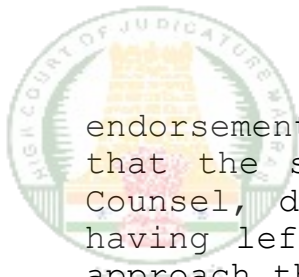
ORDER

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

The writ petitioner claims to be a public interest litigant, would state among other things that there is an irrigation tank in Paalkulam situated in Survey Nos.285, 268, 264 at Arasarkulam Melpathi Revenue Village over an extent of 3.68 acres, 7.80 acres and 10.75 acres respectively and the persons carrying on agricultural operation are mainly depending upon the water storage in the tank and on account of encroachment by the private respondents, their livelihood is affected and the petitioner, in this regard, has submitted repeated representations and the last one such representation is dated 20.08.2018 and despite receipt and acknowledgement of the same, no action has been taken, therefore, the petitioner has come forward to file this writ petition.

2.The learned Counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that despite communication from the higher officials directing the concerned officials to take appropriate action in the form of survey and inspection, nothing has happened and taking advantage of the same, the private respondents continue to carry on illegal activities in the form of encroachments and prays for appropriate orders.

3.A perusal of the typed set of documents would disclose that the Office of the second respondent sent a memo dated 23.11.2017 in Na.Ka.No.4681/2017/B3 to the Surveyor as well as the Revenue Inspector, to cause inspection and the very same office sent an



endorsement dated 06.04.2018 in Moo.Moo.No.B3/2952/2018, stating that the survey will be done very soon. According to the learned Counsel, despite such communication, nothing has moved forward and having left with no other option, the petitioner is constrained to approach this Court by filing this writ petition.

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4.Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for respondent Nos.1 to 3 would submit that necessary instructions will be given to the concerned officials to carry out a survey to find out whether there are any encroachments upon the said waterbody and if so, immediate and necessary action will be taken in accordance with law at an early date. The said submission, on instructions, is placed on record

5.Taking into consideration the above facts and circumstances and also the submissions, this Court without going into the merits expressed either in the representation of the petitioner or in this writ petition, directs the respondent Nos.2 and 3 to cause a joint inspection in all the three waterbodies in Melpathi village Survey No.285 Periyakulam Tank, Survey No.264 Palakulam Tank and Survey No.268 Palaoorani at Aranthangi, Pudukottai District, after putting on notice the persons concerned and depending upon the result of the survey and inspection, shall take appropriate action in accordance with law and inform the decision taken to the petitioner. The entire exercise shall be carried out within a period of ten weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Pudukottai District.
- 2.The Tahsildar,
Aranthangi,
Pudukottai District.
- 3.The Assistant Engineer,
Public Works Department (WRO),
Pudukottai District.



+1 CC to M/s.R. SURIYANARAYANAN, Advocate (SR-82568[F] dated 20/08/2019)

+2 CC to M/s.K.BAALASUNDHRAM, Advocate (SR-82598 & 82774

+1 CC to M/s.N. BALAKRISHNAN, Advocate (SR-82613[F] dated 21/08/2019)

+1 CC to M/s.SPL GP (SR-82838[F] dated 21/08/2019)

W.P. (MD)No.6104 of 2019
20.08.2019

dsk/gk

JMN(18.09.2019) 4P : 9C