



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.6405 of 2019
and W.M.P. (MD) No.5115 of 2019

Srinivasan

... Petitioner

-vs-

- 1.The District Collector,
Trichy,
Trichy District.
- 2.The District Revenue Officer,
Trichy,
Trichy District.
- 3.The Revenue Divisional Officer,
Sri Rengam,
Trichy District.
- 4.The Thashildhar,
Marungapuri Taluk,
Kallupatty,
Trichy District.
- 5.The Block Development Officer,
Marungapuri Panchayat Union,
Kallupatty,
Trichy District.
- 6.The Executive Officer,
Ponnampatty Town Panchayat,
Thuvarankuruchi,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd Respondent to remove the encroachments and protect the Water catchments and its input channels in the irrigation water pond Thanikiraikulam Village, situated in Survey No.379 and its extent of 7.85.5 Hects., of Thuvarankuruchi in Marungapuri Taluk, Trichy District, based on the petitioner's representation dated 25.02.2019.

For Petitioner : Mr.A.Prasanna Rajadurai
For M/s.S.Muthalraj

For Respondents 1 to 6 : Mr.A.K.Baskarapandian
Special Government Pleader



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.A.Prasanna Rajadurai, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents.

2.By consent on either side, this Writ Petition itself is taken up for final disposal.

3.The petitioner is before this Court stating that the third respondent has encroached into the water catchment areas comprised in S.No.379 of Thuvarankuruchi Village and is putting up a toilet.

4.The instruction given to the learned Special Government Pleader appearing for the respondents is that the toilet is required because there is a burial ground and there is actually no water body.

5.In our considered view, it is not proper on the part of the respondents to ascertain as to whether there is a water body or not, but they have to ascertain from record whether it is classified as water body or not. The Revenue Records un-disputedly shows that it is Thanikiraikulam. If toilet is constructed without any underground facility, there will be seep of water. From the photographs produced it is seen that the construction has come up to the roof level. Taking note of the fact that toilet facility is required in the area, we direct the respondents to provide septic tank facility, so that water cannot seep and periodically the septic tank shall be emptied. If there is any violation, the concerned respondent will be put to task. It is needless to state that a duty is cast upon the respondents to preserve the water body by conducting appropriate survey and if there is any encroachment the same shall be removed after issuing notice to the encroacher.

6.The Writ Petition stands disposed of with the above direction and observation. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar

sj

To

1.The District Collector,
Trichy,

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



2.The District Revenue Officer,
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Trichy District.

3.The Revenue Divisional Officer,
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4.The Thashildhar,
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Trichy District.

6.The Executive Officer,
Ponnampatty Town Panchayat,
Thuvarankuruchi,
Trichy District.

+1 CC to M/s.NA. PALANIYANDI, Advocate (SR-89975[F] dated
27/09/2019)

+1 CC to M/s.GP (SR-90217[F] dated 27/09/2019)

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JM/17.10.2019/3P/9C