



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 19.06.2019
CORAM

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**
AND

WEB COPY

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**
W.P.(MD)No.23570 of 2018

A.Marudhai

.. petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Musiri Taluk,
Trichy District.

3.Mari

4.Murugesan

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 and 2 to consider the representation of the petitioner dated 29.10.2018 to remove the encroachment made by the third and fourth respondents in a water channel in Survey No.289 situated at Thulaiyanatham Village, Musiri Taluk, Trichy District.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.V.R.Shanmuganathan

Spl. Govt. Pleader

(for R1 and R2)

No appearance (for R3 and R4)

ORDER

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

This writ petition is filed seeking for Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 29.10.2018, wherein and whereby he sought for removal of the encroachment alleged to have been made by the third and fourth respondents in a water channel at Survey No.289, Thulaiyanatham Village, Musiri Taluk, Trichy District.

2.The case of the petitioner is that the respondents 3 and 4 have encroached upon the water channel and therefore, free flow of water in the channel is terribly affected and consequently, the petitioner could not do any cultivation in his patta land. Venting such grievance, the petitioner made the above said representation dated 29.10.2018 to the respondents 1 and 2. As



the said representation was not considered, the petitioner filed the present writ petition with the relief as stated supra.

3. Notice was ordered to the respondents 3 and 4. Though private notice was served on the third respondent, notice sent to the fourth respondent is returned with an endorsement that 'no such addressee'. However, we are inclined to dispose of the writ petition in view of the submission made by the learned Special Government Pleader that based on the representation made by the petitioner, the second respondent/Tahsildar has already instructed the Block Development Officer, Thathaiyangarpettai to take action to remove the encroachment. He has also produced a communication dated 21.12.2018 issued by the Revenue Tahsildar, Musiri to that effect.

4. In view of the above said submission made by the learned Special Government Pleader, this Writ Petition is disposed of by observing that any action to remove the respondents 3 and 4 shall be taken after putting them on notice and hearing their objections. The second respondent/Tahsildar is directed to get report from the Block Development Officer, Thathaiyangarpettai with regard to the action taken in pursuant to his communication dated 21.12.2018, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Trichy District,
Trichy.

2. The Tahsildar,
Musiri Taluk,
Trichy District.

+1 CC to M/s.C.K.M.APPAJI, Advocate(SR-69870[F] dated 19/06/2019)

+1 CC to M/s.SPL GP (SR-70033[F] dated 20/06/2019)

skn

W.P. (MD) No. 23570 of 2018

19.06.2019