



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.07.2019
CORAM:

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

W.P (MD) No.16489 of 2019

V.Muthu Kumar

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Thashildar,
Srivilliputhur Taluk,
Virudhunagar District.
- 4.The Deputy Thashildar,
Srivilliputhur Region,
Virudhunagar.
- 5.The Revenue Inspector,
Srivilliputhur,
Virudhunagar.
- 6.The Village Administrative Officer,
Athikulam Sengulam,
Srivilliputhur,
Virudhunagar.
- 7.The Firka Surveyor,
Srivilliputhur,
Virudhunagar.

... 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 to remove the encroachments made in survey No.246, Athikulam Sengulam Village, Srivilliputhur, Virudhunagar District to an extent of 1 acre 16 cents classified as Urani and to restore the water body to its earlier position.

For Petitioner

: Mr.M.Jerin Mathew

For Respondents

: Mr.A.K.Baskarapandian
Special Government Pleader

**ORDER**

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

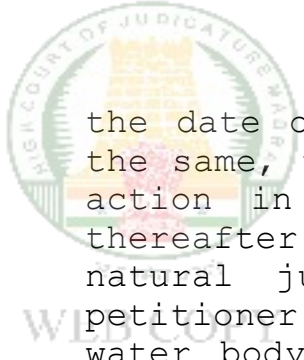
By consent, this Writ Petition is taken and disposed of by this order.

2.The petitioner claims to be a public interest litigant, came forward to file this Writ Petition styled as "Public Interest Litigation" and in the affidavit filed in support of the Writ Petition he would aver among other things that the land in Survey No.246, Athikulam Sengulam Village, Srivilliputhur, Virudhunagar District is classified as "Urani" water body and the same has been encroached and in this regard the petitioner has submitted a representation dated 23.07.2018 and acting on the same, the first respondent vide Vo.Mu.G2/19737/2018 dated 01.08.2018 has directed the third respondent to act on the said representation and to inform the position to the petitioner within 60 days from the date of receipt of the communication and yet another reminder has been sent by the office of the first respondent Vo.Mu.G2/35504/2018 dated 31.12.2018 once again to the third respondent. The third respondent, who happens to be the subordinate official, despite the communication sent by the superior official viz., the first respondent did not take any appropriate action and nearly after four months sent a reminder to the respondents 4 to 7 to cause inspection and to send a report, if there are encroachment and despite lapse of six months nothing happened and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3.This Court also heard the submissions of Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice on behalf of the respondents and on instructions he would submit that the respondents 4 to 7 would act on the communication of the third respondent dated 11.01.2019.

4.A perusal of the reminder memo dated 11.01.2019 to respondents 4 to 7 makes an interesting reading for the reason it states that the water body in S.No.246 of Athikulam Senkulam Village is missing. It is very pertinent to point out at this juncture that the office of the first respondent had sent two communications dated 01.08.2018 and 31.12.2018 and there was a delay on the part of the third respondent also, who atlast sent reminder memo dated 11.01.2019 to respondents 4 to 7. However, the respondents 4 to 7 did not take any action.

5.In the light of the facts and circumstances, this Court directs the respondents 4 to 7 to act on the reminder memo of the first respondent dated 11.01.2019 in Vo.Mu.Aa1/232/19 and cause inspection and send a report within a period of three weeks from



the date of receipt of a copy of this order and upon receipt of the same, the third respondent is directed to initiate appropriate action in accordance with law within a period of four weeks thereafter and of course, he is bound to follow the principles of natural justice, while proceeding with the said action. The petitioner is fighting hard to remove the encroachments on the water body for the past one year and nothing had fructify sofar and therefore, status report in this regard shall be filed by the first respondent with supporting documents on 12.09.2019.

6.The Writ Petition is disposed of with the above directions. No costs. Call on 12.09.2019 for filing status report by the first respondent.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector, Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer, Virudhunagar District,
Virudhunagar.
- 3.The Thashildar, Srivilliputhur Taluk, Virudhunagar District.
- 4.The Deputy Thashildar, Srivilliputhur Region,
Virudhunagar District.
- 5.The Revenue Inspector, Srivilliputhur, Virudhunagar District.
- 6.The Village Administrative Officer, Vthikulam Sengulam,
Srivilliputhur, Virudhunagar District.
- 7.The Firka Surveyor, Srivilliputhur, Virudhunagar District.

+1cc to the Spl.Govt.Pleader Sr.No.77692

sj
W.P (MD) No.16489 of 2019
24.07.2019

NA (31.07.2019) 3P : 9C