



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.19850 of 2019

WEB COPY

Kandasamy

.. Petitioner

Vs.

1.The District Collector,
Collector Office,
Thanjavur,
Thanjavur District.

2.The Thasildar,
Taluk Office,
Orathanadu Taluk,
Thanjavur District.

3.The Block Development Officer,
Thiruvonam Panchayath Union Office,
Thanjavur District.

4.Neiveli Vadapadhi Village Panchayath represented by its
Special Officer cum the Block Development Officer,
Neiveli Vadapathi Village Panchayath Office,
Orathanadu Taluk, Thanjavur District.

5.Ayyapillai

6.Veerappan

7.Pappa @ Sathiyamoorthy

8.Raja Pillai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to initiate appropriate legal proceedings against the encroachers including the respondent Nos.5 to 8 and to remove the encroachments made in Thattankulam (Pond) which is situated in Survey Number:136, Neiveli, Vadapathi Village, Orathanadu Taluk, Thanjavur District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Karunanidhi

For R1 and R2 : Mr.A.K.Baskara Pandian
Special Government Pleader

For R3 : Mr.J.Marichelliah Prabhu
Additional Government Pleader



ORDER

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

WEB COPY

Heard Mr.P.Karunanidhi, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the first and second respondents and Mr.J.Marichelliah Prabhu, learned Additional Government Pleader for the third respondent. By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner by way of this writ petition seeks for a direction to the official respondents to consider the representations of the petitioner, dated 05.01.2018, 27.07.2018, 25.09.2019, 29.10.2018 and 03.09.2019, wherein it is alleged that the respondents 5 to 8 have encroached a Government Poramboke land, which is helpful to the formers for irrigation during rainy seasons.

3. It is not known as to why no action was initiated on any of the representations, when many of them have been sent by registered post. Photographs have been produced to show that there are standing paddy crops. It is not clearly known as to whether the paddy crops have been cultivated by the respondents 5 to 8 in their land or in the Government land. In any event, the official respondents cannot maintain silence and refuse to take action, when there is an allegation of encroachment.

4. Since we are disposing of the writ petition, we refrain from issuing any positive direction. However, it goes without saying that the officials shall act and take appropriate action to preserve the Government property. In the light of the above, we direct the third respondent to conduct an inspection of the area after issuing notice to the petitioner and the respondents 5 to 8. If any encroachment is found, then notice should be issued and procedure contemplated under the relevant Act should be followed. All the above directions be complied with, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



ta

To

1.The District Collector,
Collector Office,
Thanjavur,
Thanjavur District.

2.The Thasildar,
Taluk Office,
Orathanadu Taluk,
Thanjavur District.

3.The Block Development Officer,
Thiruvonam Panchayath Union Office,
Thanjavur District.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-87029[F] dated
17/09/2019)

+1 CC to M/s.SPL GP (SR-87537[F] dated 18/09/2019)

W.P (MD) No.19850 of 2019

17.09.2019

_KM/ (03.10.2019) 3P 6C