



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

**THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs. JUSTICE R.THARANI**

Writ Petition (MD).No.10136 of 2018
and
W.M.P.(MD)Nos.9184 to 9186 of 2018

K.Chandrasekar

... Petitioner

Vs.

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Tiruchirappalli.
- 3.The Revenue Divisional Officer,
Musiri, Tiruchirappalli District.
- 4.The Tahsildar,
O/o. The Tahsildar,
Thuraiyur,
Tiruchirappalli District.
- 5.The Block Development Officer,
Uppiliyapuram,
Thuraiyur Taluk,
Tiruchirappalli District.

6.N.Gandhi

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified mandamus, to call for the records relating to the impugned order passed by the second respondent vide நக.14512/2015 ஆ1 நாள் : 06.03.218 and quash the same and consequently directing the respondents 2 to 5 to remove the encroachment made in the water channel in Survey No.31/3, classified as Odai Poramboke, situated at Pongalayakombai Village, Thuraiyur Taluk, Tiruchirappalli District.



For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents 1 to 4 : Mr.S.Angappan, GA
For 5th Respondent : Mr.M.Murugan, GA
For 6th Respondent : Mr.R.Venkatesan

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ORDER

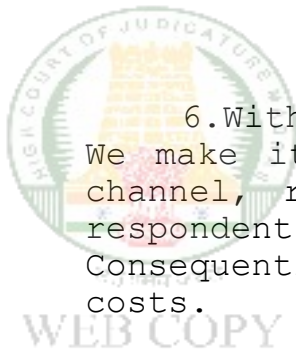
(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the respondents 1 to 4, Mr.M.Murugan, learned Government Advocate appearing for the fifth respondent and Mr.R.Venkatesan, learned counsel appearing for the sixth respondent.

2.The writ petition has been filed to direct the official respondents to remove the encroachment. The case was heard by the Division Bench on 28.04.2018 and a direction was issued to the fifth respondent, namely, the Block Development Officer, Uppiliyapuram, Thuraiyur Taluk to implement the order dated 06.03.2018, in letter and spirit and to file a status report in the next hearing date in respect of the survey numbers mentioned in the impugned order.

3.In terms of the said direction, the Block Development Officer, Uppiliyapuram, filed a report and the Tahsildar, Thuraiyur, has also filed a report in the form of an affidavit. From the affidavit, it is seen that the petitioner is an encroacher and already his encroachment has been removed and insofar as the sixth respondent is concerned, it appears that he has given an undertaking that he will remove the encroachment within a period of 15 days and therefore, action has not been taken against him till now and action will be taken, if the sixth respondent does not comply with the undertaking.

4.On a perusal of the affidavit of the Tahsildar, Thuraiyur Taluk, we find that the encroachment said to have been made by the petitioner has been removed on 21.04.2018 and the sixth respondent is stated to have given a deposition, however, the date of deposition was not recorded. But, for the practical purpose, the deposition should have been given on 21.04.2018, requesting for 15 days time. The time has already expired and therefore, if there is any encroachment by the sixth respondent, it shall also be removed within 10 days from today (I.e., 05.09.2019).



6. With the above direction, this writ petition is disposed of. We make it clear that in case the authorities, while forming the channel, requires the patta land of the petitioner or the sixth respondent, then the petitioner should be adequately compensated. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

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Tiruchirappalli.
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O/o. The District Revenue Officer,
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4. The Tahsildar,
O/o. The Tahsildar,
Thuraiyur, Tiruchirappalli District.
5. The Block Development Officer,
Uppiliyapuram, Thuraiyur Taluk,
Tiruchirappalli District.

+1 CC to Mr.R.VENKATESAN, Advocate SR-85484.

+1 CC to SPL GP SR-85641 & 85902.

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate SR-85711.