

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14969/2020

A.Perumal

..Petitioner

Versus

1. The District Collector,
Villupuram, Villupuram District.

2. The Tahsildar
Taluk Office, Vikravandi Taluk
Villupuram District.

3. Block Development Officer
[Village Panchayats]
Kanai Panchayat Union
Kanai, Villupuram District.

4.Durai Kannu

5.Parrivallal

6.Peraman

7.Ramanathan

8.Ramachandiran

9.Kannaiyram

10.Gengadurai

11.Mannagkatti

12.Deivanayakam

13.Kaliyaperumal

14.Rajangam

15.Murugavel

16.Villalan

17.Senthiladiban

18.Parivallal

19.Ramu

20.Varadaraju

21.Elumalai

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to initiate appropriate steps

pursuant to representation dated 30.05.2020 and 03.06.2020 and thereby to remove the illegal encroachment made by the respondents 3 to 21 as mentioned in the annexure to the representation dated 30.05.2020 in Government properties situate in Athiyur-Thirukkai village, Villupuram District.

For Petitioner : Mr.S.Udayakumar
For RR 1 & 2 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.
- (3) The petitioner is a retired Teacher and claims to have taken several initiatives to improve the living conditions of Athiyur - Thirukaiyur Village, Vikravandi Taluk, Villupuram District and he came forward to file this writ petition, styled as a Public Interest Litigation, alleging that the private respondents 4 to 21, who are residents of the very same Village, had encroached upon various extents of lands classified as "water way/water body", "cart track", "pond" etc., in various survey numbers. The petitioner, in this regard, had submitted a detailed representation dated 30.05.2020 along with Annexures as to the details of encroachments made by the private respondents and it is also followed by a reminder representation dated 03.06.2020.
- (4) The learned counsel for the petitioner would submit that the Office of the 1st respondent, acting on the representation of the petitioner dated 03.06.2020, vide Memo dated 08.06.2020 in O.Mu.No.A5/10143/2020, has directed the 2nd respondent to do the needful and despite such a directive emanated from the superior official, nothing is being done and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader and also perused the materials placed before it.
- (6) Though the petitioner had prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, permits the petitioner to submit one more

representation to the respondents 2 and 3 by enclosing copies of the earlier representations dated 30.05.2020 and 03.06.2020 respectively along with the Annexures within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3, upon receipt of the same, with the help of the relevant revenue records and after causing survey and inspection of the lands in question with the help of the jurisdictional Surveyor, finds any encroachment on the public land, water way/water bodies etc., shall put the concerned encroachers which may include the private respondents herein, on notice and thereafter proceed in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a further period of twelve weeks thereafter and communicate the decision taken, to the petitioner as well as to the private respondents. It is also open to respondents 2 and 3 to cause verification as to whether the petitioner is an encroacher upon any public land, water way / water body etc., and take appropriate action against him also in accordance with law.

(7) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
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2. The Tahsildar
Taluk Office,
Vikravandi Taluk, Villupuram District.
3. Block Development Officer
[Village Panchayats]
Kanai Panchayat Union
Kanai, Villupuram District.

+1cc to Mr.S.Udayakumar, Advocate, Sr.No.34938

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rr ii (03/12/2020)