

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

W.P.No.19319 of 2020

G.M.Kandavel

...Petitioner

Vs.

1. The District Collector,
District Collectorate Office Premises,
Villupuram District.
2. The Revenue Divisional Officer,
District Collectorate Office Premises,
Villupuram Revenue Division,
Villupuram District.
3. The Tahsildar,
Vikravandi Taluk,
Vikravandi, Villupuram District.
4. The Block Development Officer,
(Village Panchayats)
Panchayat Union Office,
Kandamangalam, Villupuram District.
5. The Assistant Director,
Village Panchayats,
Villupuram District.
6. The Executive Engineer,
Public Works Department,
Water Resources Section,
Villupuram.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachment in V. Mathur Village, Vikkaravandi taluk, Villupuram District based on the petitioner's representation dated 23.07.2018.

For Petitioner : Mr.P.Suresh Babu
For R1 to R3, : Mr.M.Elumalai
R5 and R6 Additional Government Pleader

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner claims to be a Special Reporter in Tamil Nadu Ethazhi and rendering service to the society, and a representation, dated 23.07.2020, has been submitted to the concerned official respondents, pointing out the encroachments upon the public road and water resources, and it is relevant to extract the same:

Sl. No.	Survey Number in V.Mathur Village	Places where Encroachment
1	437, 231	Graveyard of V.Mathur Pet and Manthaveli Pooramboke.
2	295, 294, 291, 278, 151, 150, 145, 146, 301, 300, 297	Mailam Road, (Road Connecting V.Mathur Palayam and Thennavarayanpattu Village)
3	380, 383, 464, 463, 471, 473, 472	V.Pudhur Road, (Road Connecting V.Pudhur and V.Mathur Village)
4	182, 180, 179, 178, 177, 176, 172, 67, 73, 74, 75, 76, 77, 71, 70, 79, 83, 92	Road Connecting V.Mathur Palayam and V.Mathur Village, via., V.M.Nagari
5	92, 93, 28, 34, 35, 36, 43, 44, 45	Road connecting V.Mathur Palayam and Mungilpattu Village, via. Thangal Lake
6	380, 357, 355	Graveyard of V.Mathur (Road connecting V.Mathur and Sengadu)
7	180, 179	Road connecting V.Mathur and Mungilpattu Village

Sl.No .	Survey No.	Places of Encroachment
1	92	Periyankulam (V.Mathur Palayam)
2	136	Kaalamman Periyakulam
3	180	Paracheri Kogilambal Periyakulam, V.Mathur Pet
4	182	Paracheri Vannar Kuttai, V.Mathur Pet
5	190	Sri Durgaiamman Kulam, V.M.Nagari
6	218	Pidari Kulam (a) Iyyanarappan Kulam, V.Mathur Pet
7	303	Thirumoorthy Periyakulam
8	345	Velangattu Iyyanar Kulam, V.Mathur
9	375	Pudukulam, V.Mathur
10	428	Periya kalimankuttai
11	160	Kalimankuttai
12	331	V.Mathur Periya Eri
13	27	V.Mathur Palayam Thangal Eri
14	439	Pambai River (Boarder of V.Mathur)

2.Learned counsel appearing for the petitioner has drawn the attention of this Court to the repeated communications emanated from the office of the respondents 2 and 3 for removal of the encroachments, and despite lapse of nearly 2 years and odd, nothing is moving forward and consequently, the encroachers continue to encroach more upon the public land and waterbodies/waterways, and prays for appropriate orders for removal of the encroachments.

3.Mr.M.Elumalai, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 3, 5 and 6, and would submit that, in the light of the various communications emanated from the office of the respondents 2 and 3, necessary action would be taken within the stipulated time frame, and a Status Report in this regard would also be filed before this Court.

4.This Court has carefully considered the rival submissions, and also perused the materials placed before it.

5.The office of the 3rd respondent, in the memo dated 26.07.2018, in Na.Ka.Aa.1/3660/2018, has sent a communication to the Firka Revenue Inspector/Village Administrative Officer as to the removal of the above cited encroachments, and it is also

followed by yet another memo, dated 27.07.2018 in Na.Mu.Aa6/3561/2018, addressed to the 3rd respondent for removal of the said encroachments. The office of the 3rd respondent, in turn, sent communications, dated 26.09.2018 and 05.07.2019, in Na.Ka.Aa1/3660/2018, to the Deputy Tahsildar and other officials, fixing the date of removal of encroachments on 10.07.2019, and thereafter, nothing appears to have been done.

6.This Court, taking into consideration the above facts and circumstances, without going into the merits of the claim as projected by the petitioner either in the representation or in the present writ petition, directs the respondents 3, 4 and 6 to coordinate with each other, and in the light of the above cited communications, take necessary, immediate and appropriate steps for removal of encroachments as pointed out in the above cited memo of the 3rd respondent dated 26.07.2018, in accordance with law and also by adhering to the principles of natural justice, and complete the entire exercise within a period of six weeks from the date of receipt of a copy of this order/uploading of this order in the website, and communicate the decision taken to the petitioner as well as the encroachers/concerned persons.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkkn

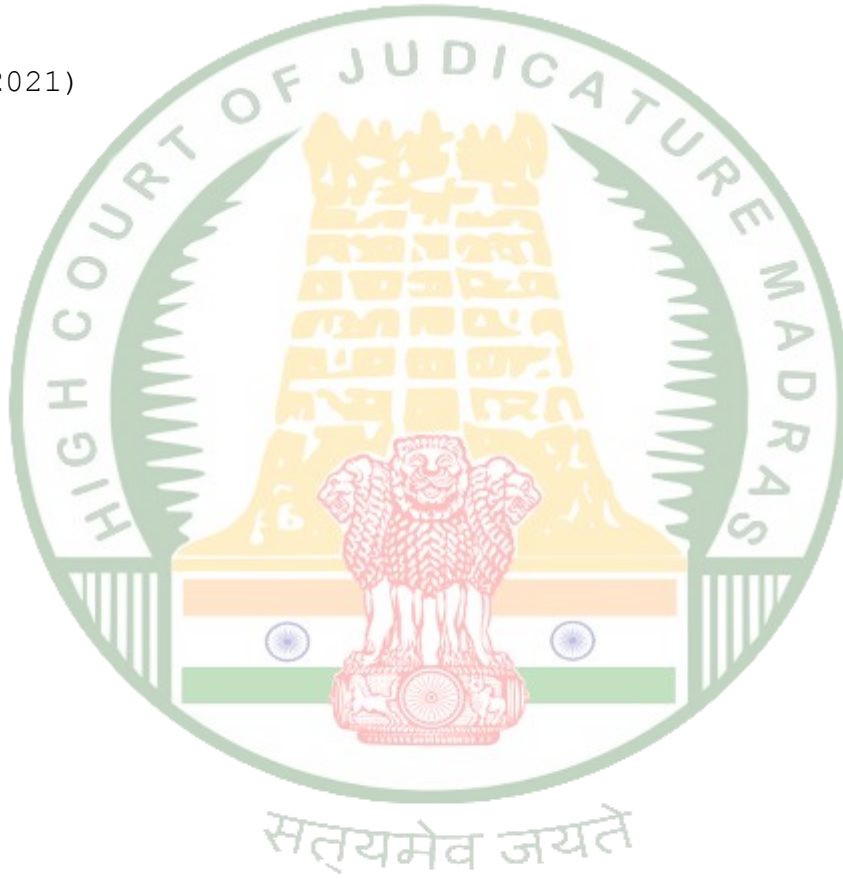
To

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ssd(CO)
rv(22/01/2021)



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