



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7726 of 2020

and

W.M.P. (MD)No. 7213 of 2020

WEB COPY

Sakthivel

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Madurai East Taluk,
Othakadai, Madurai District.
3. The Tahsildar,
Madurai East Taluk,
Narasingam, Madurai District.
4. The President,
Y.Pudhupatti Village Panchayat,
Y.Pudhupatti, Madurai District.
5. The Revenue Inspector,
Y.Pudhupatti Village,
Arumanur Post,
Madurai District - 625 104.
6. The Village Administrative Officer,
Y.Pudhupatti Village,
Arumanur Post,
Madurai District - 625 104.
7. M/s.MAS Metal Craft and Automation,
Rep. through its Proprietor,
(Near Panchayat Water Tank),
Y.Pudhupatti Village,
North Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to 6 to remove the encroachment made by the 7th



respondent made in the Survey No.11 as well as the Water Channel run between the property in Survey No. 12/1 and Survey No.11 in Y.Pudhupatti village, Madurai East Taluk, Madurai on the basis of the petitioner's representation dated 21.05.2020.

For Petitioner

: Mr. P.M.Vishnuvarthanan

For Respondents
Nos.1 to 3, 5&6

: Mr. V.R.Shanmuganathan,
Special Government Pleader

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O R D E R

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

The petitioner claims to be an agriculturist and also an astrologer, native of Y.Pudhupatti village and he has stated that he owned ancestral property in Survey No.12/1D in the said village and patta was also issued in his name and the said lands were utilised for agricultural activities and subsequently, it got divided among his brothers. The petitioner would further state that one of his brother had sold 11 cents out of his share to the seventh respondent, who in turn, put up a metal workshop and in that process, he completely blocked the irrigation channel running between the property in Survey No.12/1 and Survey No.11.

2. The petitioner would further aver that the property in Survey No.11 is the Government land being utilised by the fourth respondent and it has been utilised for drying the paddy by the agriculturists and that apart, the Panchayat well is also located in Survey No.11 and also an Over Head Water Tank. The petitioner alleging illegal act on the part of the private respondents, submitted a representation dated 21.05.2020 to the respondents and despite receipt of acknowledgement, no action whatsoever has been taken and hence, the writ petitioner is constrained to approach this Court by way of filing this Writ Petition, styled as a Public Interest Litigation.

3. The learned counsel appearing for the petitioner has also drawn the attention of this Court, in support of his submission to the rough sketch and the FMB sketch of the land in Survey Nos.11 and 12/1, as well as the 'A register'.

4. Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3, 5 and 6 and would submit that the inspection of the said land would be caused by the third respondent with the help of jurisdictional Surveyor after putting the seventh respondent as well as any other persons, if any, on notice and thereafter, appropriate action



will be taken in accordance with law.

5. This Court has considered the rival submissions and also perused the material placed before it.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the aforesaid facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation dated 21.05.2020 or in this writ petition, directs the third respondent to cause inspection of the land in Survey Nos.11 and 12/1 of Y.Pudhupatti Village, Arumanur Post, Madurai District, with the help of the jurisdictional surveyor and with the aid of the relevant revenue records, after putting the seventh respondent as well as other occupants, if any, on notice and depending upon the result of the inspection, shall take appropriate action in accordance with law and also adhere to the principles of natural justice, remove the encroachment as expeditiously as possible, and communicate the decision taken to the petitioner as well as to the seventh respondent and other persons concerned.

7. The third respondent is directed to complete the entire exercise within a period of 12 weeks from the date of receipt of a copy of this order. Registry is also directed to mark a copy of this order to the concerned jurisdictional Surveyor.

8. The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pkn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Madurai East Taluk,
Othakadai, Madurai District.
3. The Tahsildar,
Madurai East Taluk,
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6. The Village Administrative Officer,
Y.Pudhupatti Village,
Arumanur Post,
Madurai District - 625 104.
7. The Surveyor,
Y.Pudhupatti Village,
Madurai East Taluk,
Narasingam, Madurai District.

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-13176[F] dated
21/07/2020)

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and
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KM (27.07.2020) 4P 9C