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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.8327 of 2020

and

W.M.P(MD)No.7728 of 2020

Marimuthu

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The District Revenue Officer,
District Revenue Office,
Tuticorin District,
Tuticorin.

3.The Revenue Divisional Officer,
Revenue Division Office,
Kovilpatti,
Tuticorin District.

4.The Thasildar,
Taluk Office, Kovilpatti,
Tuticorin District.

5.G.Subramaniyan

6.The Block Development Officer
(Village Panchayat),
Kovilpatti,
Tuticorin District.

... Respondents

[R.6 is suo motu impleaded as party respondent vide order of this Court, dated 30.07.2020 made in W.P(MD) No.8327 of 2020]

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents 1 to 4 to demolish the illegal encroachment of his house in public well and public pathway in Survey Nos.256/20 and 256/16 in Alampatti Village, Kovilpatti Taluk, Tuticorin District and consequently, direct the respondents 1 to 4 to preserve the water supply system in Survey Nos.256/20 and 256/16 in our Alampatti Village, Kovilpatti Taluk, Tuticorin District.



For Petitioner
For Respondents

: Ms.A.S.Sangeetha
: Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1 to R.4 & R.6

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

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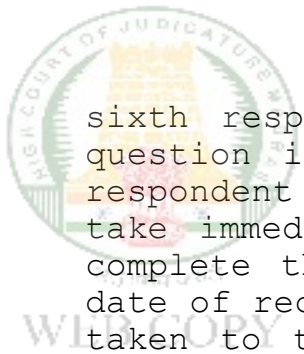
The petitioner claims to be a resident of Alampatti Village, Inammaniyachi Panchayat, Kovilpatti, Tuticorin District and according to him, in Alampatti Village, in S.No.256/16, there exists a public well, as well as in S.No.256/20, a common pathway for the benefit of public at large and the private respondent who belongs to the Ruling Party, had encroached upon the common place as well as public well and while demolishing the old house and putting up a new house, also made an attempt to close the public well, apart from encroaching upon the common/public place. The petitioner, in this regard, had submitted the representations, dated 30.09.2019, 19.11.2019, 29.11.2019 and 03.07.2020 and despite receipt and acknowledgement of the same, the official respondents have no inclination to take action against the fifth respondent, may be on the account of the fact that he is a local ruling party functionary and left with no other option, the petitioner is constrained to approach this Court by filing this writ petition.

2. Heard the submissions of the learned Counsel for the petitioner and he has drawn the attention of this Court to the typed set of documents, especially, the photographs at page 30 of the typed set of papers and prays for immediate and appropriate orders as to the illegalities perpetuated by the fifth respondent.

3. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepts notice on behalf of the official respondents and would submit that the fourth respondent has sent a communication in Na.Ka.Aa3/8581/2019, dated 16.07.2020, addressed to the Block Development Officer (Village Panchayat), Kovilpatti, as to the removal of encroachment in S.No.256/16 of Alampatti Village by invoking Section 131 of the Tamil Nadu Panchayats Act, 1994 and he would further add that in the light of the further development, the grievance expressed by the petitioner has been addressed.

4. This Court has carefully considered the rival submissions and perused the materials placed on record.

5. It is to be noted at this juncture that there are repeated representations even from September 2019 and at last, the fourth respondent had started reacting to the said representations and sent the above cited communication to the Block Development Officer (Village Panchayat), Kovilpatti and in the light of the same, the Block Development Officer (Village Panchayat), Kovilpatti, is *suo motu*, impleaded as the sixth respondent and the newly impleaded



sixth respondent is directed to cause inspection of the land in question in the presence of the petitioner as well as the fifth respondent and depending upon the result of the inspection, shall take immediate and appropriate action in accordance with law and complete the said exercise within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the fifth respondent and any other encroachers, if any.

6. This writ petition stands disposed of accordingly. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

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.

To

- 1.The District Collector,
Tuticorin District,Tuticorin.
- 2.The District Revenue Officer,
District Revenue Office,
Tuticorin District,Tuticorin.
- 3.The Revenue Divisional Officer,
Revenue Division Office,
Kovilpatti,Tuticorin District.
- 4.The Thasildar,Taluk Office,Kovilpatti,
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- 5.The Block Development Officer
(Village Panchayat),Kovilpatti,
Tuticorin District.

W.P. (MD)No.8327 of 2020

and

W.M.P (MD)No.7728 of 2020

30.07.2020

SMA/21/08/2020/3P/6C

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