



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.9972 of 2020

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A.Shanmugam

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

4.The Block Development Officer,
Reddiarchathiram,
Dindigul District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the encroachments made in six Odais namely Somalingasamy Kovil Odai, Ramanathan Sunai Odai, Urinji Oothu Odai Vavvapon Odai, Chinnakuzhikattu Odai and Karuvapillai Nachi Odai and other water bodies in Survey Nos.226/13, 448/2 and 449/1 in Thethupatti Village, Dindigul District and consequently to maintain the water bodies for free flow of water so as to enable the water flow to reach the Thethupatti Tank.

For Petitioner : Mr.V.Panneeer Selvam

For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader
for R.1 to R.3

ORDER

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

This writ petition styled as a Public Interest Litigation is filed by a resident of Thethupatti Village, Dindigul West Taluk and Dindigul District. According to the petitioner, there exists Somalingasamy temple at Sirangadu village nearer to Kannivadi and during rainy season, the rain water will flow from the hill through



the following water bodies viz., Somalingasamy Kovil Odai, Ramanathan Sunai Odai, Urinji Oothu Odai, Vavvapon Odai, Chinnakuzhikattu Odai and Karuvappillai Nachi Odai and it will reach the small water body in S.No.226/13 at Thethupatti Village.

2. It is the specific case of the petitioner that there are very many encroachments on the said water ways and as a consequence there is no flow of water and in this regard, a representation has been given as early as on 27.09.2018 and based upon the said representation, the office of the third respondent sent a memo dated 24.10.2018 in Na.Ka.No.3971/18/A2, as to the removal of the encroachment in the said waterways in Thethupatti Village in Survey Nos.448 and 449.

3. The learned Counsel appearing for the petitioner would submit that the fourth respondent also sent a communication dated 07.12.2018 to the third respondent as to the survey, measurement and fixing of boundaries and despite that nothing is happened and hence, the petitioner was going on submitting reminder representation.

4. The office of the first respondent had also sent a memo dated 18.03.2020 in O.Mu.No.7264/2020/T2 to the office of the respondents 2 and 3 and the office of the second respondent had also sent a memo dated 12.05.2020 in Mu.No.1976/2020/A5 to the office of the third respondent to initiate appropriate action and despite such directions received from the superiors, the third respondent did not take any action and hence, the petitioner prays for appropriate orders.

5. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and would submit that necessary further steps would be taken in the light of the above cited communications of the respondents 1 and 2.

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

7. A perusal of the materials placed in the form of typed set of documents would disclose that with regard to the alleged encroachment on the said waterways, the same has been brought to the knowledge of the third respondent by the writ petitioner as early as on 27.09.2018 and despite a lapse of nearly two years, nothing is forthcoming, except a communication to the third respondent by the offices of the respondents 1 and 2 for initiation of appropriate action.

8. In the light of the above facts and circumstances, this Court directs the third respondent with the help of local surveyor, to cause inspection and survey the said waterways and the said exercise is to be carried out within a period of eight weeks from the date of receipt of a copy of this order and depending upon the service of the order and inspection, the third respondent is directed to take



immediate and appropriate action in accordance with law, in the event of any encroachment is being found and also take steps to remove the encroachment within further period of six weeks thereafter and communicate the decision taken to the petitioner as well as to the concerned persons/alleged encroachers also.

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9. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Rcords)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

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,
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul.
- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 4.The Block Development Officer,
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+1 CC to SPL GP (SR-15130[F] dated 27/08/2020)

W.P. (MD)No.9972 of 2020

25.08.2020

VB (08.09.2020) 3P 6C