



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD)No. 9929 of 2020

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P.Nagaraj

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Dindigul District.
- 3.Tahsildhar,
Ottanchathiram Taluk,
Dindigul District.
- 4.Block Development Officer,
O/o.The Block Development Officer
(Village Panchayats)
Ottanchathiram Taluk,
Dindigul District.
- 5.The Inspector of Police,
Chathirapatti Police Station,
Ottanchathiram Taluk,
Dindigul District.
- 6.The Virupatchi Panchayat,
rep. By its Panchayat President,
Virupatchi Village,
Ottanchathiram Taluk,
Dindigul District.
- 7.N.Ramasamy
- 8.M.Ramraj
- 9.P.Chinnaraj
- 10.K.Thangavel

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus for a direction directing the respondent Nos.1 to 5 to remove the encroachments made by respondents 7 to 10 in survey No.273 in Virupachi Village, Ottanchathiram Taluk, Dindigul District within the time frame stipulated by this Hon'ble Court.

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



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For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.K.P.Krishnadoss
	Special Government Pleader for
	RR-1 to 3
	Mr.M.Karuppasamy for RR-4 and 5

ORDER

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

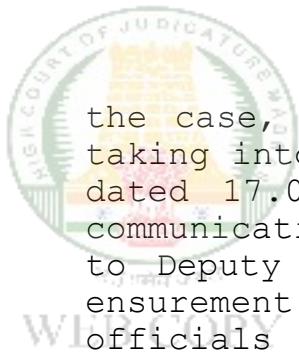
The writ petition, styled as a Public Interest Litigation, is filed by a resident of East street, Arasapillaipatti Village, Ottanchathiram Taluk, Dindigul District and according to him, the respondents 6 to 9 own agricultural lands in S.Nos.274, 276/2B, 272/1A2, 272/1A3 in Virupachi Village, Ottanchathiram Taluk, Dindigul District and apart from the patta lands, they have also encroached upon water channel in S.No.273.

2. The learned counsel appearing for the petitioner would submit that originally, the water channel had a width of 19.6 metres and had a spread of 0.17.0 hectares and due to the encroachments caused by the respondents 7 to 10, it had shrunk to 5 metres. In this regard, the sixth respondent has also passed a resolution dated 17.03.2020 for removal of encroachments and also sent a communication to the third respondent.

3. The learned counsel appearing for the petitioner has also drawn the attention of this Court to the communication of the fourth respondent dated 13.07.2020 in Na.Ka.No.2738/2018/B3 addressed to the Deputy Superintendent of Police, Palani with copies marked to the respondents 3, 5 and 6 and others, in which, it has been stated that for causing the survey of the said water body, services of the surveyor was required and on account of the huge gatherings, since there is a possibility of breaking up of law and order, survey could not be conducted on 14.07.2020 and hence, prayed for appropriate police protection. But, thereafter, no adequate police protection has been afforded and on account of the in-action on the part of the official respondents, the private respondents, who are got arrayed as rank emboldened as respondents 7 to 10 have been continuing their enjoyment in S.No.273.

4.This Court heard the submissions of the learned counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader, appearing for the respondents 1 to 3 and Mr.M.Karuppasamy, learned counsel appearing for the respondents 4 and 5 and also perused the materials placed on record.

5.Though the petitioner prays for a larger relief, this Court, by taking into consideration the facts and circumstances of



the case, without going into the merits of the matter and further taking into consideration the communication of the sixth respondent, dated 17.03.2020 addressed to the third respondent and also the communication of the fourth respondent, dated 13.07.2020 addressed to Deputy Superintendent of Police, Palani, Dindigul District for ensurement of adequate police protection so as to enable the revenue officials more particularly the Tahsildar to cause survey and inspection of Bharathi Nagar, Odai Purambukal Village S.No.273, directs the third respondent to take steps in accordance with law, depending upon the result of the survey and inspection, by putting up, if any, on notice, which may include the private respondents also and complete the said exercise within a period of ten (10) weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, private respondents as well as the concerned persons, if any.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

VS

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,
O/o.The Revenue Divisional Officer,
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- 3.Tahsildhar,
Ottanchathiram Taluk,
Dindigul District.



4.The Superintendent of Police,
Dindigul District.

5.Block Development Officer,
O/o.The Block Development Officer
(Village Panchayats)
Ottanchathiram Taluk,
Dindigul District.

6.The Inspector of Police,
Chathirapatti Police Station,
Ottanchathiram Taluk,
Dindigul District.

+1 CC to SGP (SR-14866[F] dated 25/08/2020)

W.P (MD) No. 9929 of 2020
24.08.2020

KM (02.09.2020) 4P 8C