



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.11796 of 2020

and

W.M.P (MD) .No.10214 of 2020

S.Muniyasamy @ Arunthadhi Arasu

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Assistant Engineer,
Public Works Department,
Water Resource Management,
Srivaigundam, Tuticorin District.

3. The Tahsildar,
O/o. The Tahsildar,
Tiruchendur, Tuticorin District.

4. T. Muthukumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Survey Nos.613, 614, 615, 616 and 617 in an extent of about five acres situated at Kutchikadu village, Vadakku Aathoor Panchayat, Thiruchendur Taluk, Tuticorin District and consequently direct the respondents 1 to 3 to construct a concrete wall on the bank of Thamirabarani river at petitioner's village in order to avoid overflow of said river water entered into the petitioner's village.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.B.Bagavathi,
Government Advocate for R1 to R3

* * * * *

O R D E R

[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 Vadakku Aathoor, Tiruchendur Taluk, Tuticorin

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



District and according to him, he is holding the post of State Assistant General Secretary of one social movement namely "Aathi Tamilar Peravai" and that apart, to eke out his livelihood, he is employed as an Organiser of salary loan section in the private bank.

2. It is the specific case of the petitioner that 150 families belong to scheduled caste Arunthathiyar community are given patta and they are living adjoining to the river bed of Thamirabarani and the fourth respondent has encroached upon a portion of the land in Survey Nos.613, 614, 615, 616 and 617, which are classified as "Vellakarai" at Kutchikadu village, Vadakku Aathoor village, Tiruchendur Taluk, Tuticorin District and also raising some cash crops.

3. The second respondent has also caused inspection and having found that the river beds are destroyed, filed a complaint before the Aathoor Police station, Tuticorin District in C.S.R.No.76 of 2020.

4. The learned Counsel appearing for the petitioner would submit that despite receipt and acknowledgement of the representations dated 27.07.2020 and 07.08.2020, no action has been taken and also invited the attention of this Court to page number 23 of the typed set of documents, wherein, the third respondent has sent an endorsement dated 12.08.2020, in Na.Ka.G1-3318-2020 to the petitioner, promising to take necessary action and nothing is moving forward and hence, the present Writ petition is filed as a Public Interest Litigation.

5. Mr.B.Bagavathi, learned Government Advocate accepts notice on behalf of the respondents 1 to 3.

6. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into merits of the claim projected by the petitioner either in his representations dated 27.07.2020 and 07.08.2020, or in this Writ petition, directs the respondents 2 and 3, to cause joint inspection in the land in Survey Nos.613, 614, 615, 616 and 617, Kutchikadu village, Vadakku Aathoor village, Tiruchendur Taluk, Tuticorin District, and if the result of the inspection reveals any encroachment/unauthorised occupation, put the concerned persons including the fourth respondent, on notice and shall take immediate and appropriate action in accordance with law within a stipulated time frame by adhering to the principles of natural justice. The respondents 2 and 3 are directed to complete the entire exercise within a period of 10 (Ten) weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the fourth respondent and other persons/encroachers concerned.



7.The **Writ petition stands disposed of** with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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

To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Assistant Engineer,
Public Works Department,
Water Resource Management,
Srivaigundam, Tuticorin District.
3. The Tahsildar,
O/o. The Tahsildar,
Tiruchendur, Tuticorin District.

+1 CC to Mr.T. THIRUMURUGAN, Advocate (SR-17223[F]dated 17/09/2020)

+1 CC to SPL GP (SR-17280[F] dated 17/09/2020)

W.P. (MD)No.11796 of 2020
16.09.2020

VB (23.09.2020) 3P 6C