



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2020**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.11859 of 2020
(Through Video conferencing)

Chandran

...Petitioner

-Vs-

1.The District Collector
Sivagangai District
Sivagangai.

2.The District Revenue Officer
Sivagangai District
Sivagangai.

3.The Revenue Divisional Office
Devakottai
Sivagangai District.

4.The Tahsildar
Thiruppathur
Sivagangai District.

5.Chinnakaruppan

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Kunnendhal Kanmai situated in Survey No.173, Thenkarai, Thiruppathur Taluk, Sivagangai District by considering the petitioner's representation dated 13.08.2020.

For Petitioner : Mr.B.Senthilnathan
For Respondents : Mr.R.Murugan,
Addl. Govt. Pleader for R1 to R4

ORDER

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

The petitioner is a resident of Kilamadam Village, Thiruppathur Taluk, Sivagangai District and according to him, he is the owner of



the land in S.No.175/13, admeasuring to an extent of 36.50 Ares in Thenkarai, Thiruppathur Taluk, Sivagangai District and he is carrying on agricultural operation.

2. It is the specific case of the petitioner that on the northern side of the property in Survey No.173, admeasuring to an extent of/spread of 6 hectares 0.20 Ares is classified as "Kanmai Proamboke" (Water body Poromboke) and it is also known as "Kunnendhal Kanmai". The petitioner is utilising the water in the said water body for his agricultural operation.

3. The learned counsel appearing for the petitioner would submit that the fifth respondent had encroached upon 50 cents of the said land classified as water body in survey No.173 and blocking the flow of water and in this regard, the petitioner has submitted a representation dated 13.08.2020 to the first respondent with copies marked to respondents 2 to 4, despite receipt and acknowledgement, no action has been taken and therefore, he is constrained to approach this Court by filing this writ petition.

4. The attention of this Court has also been invited to the photographs available in the typed set of documents.

5. Mr.R.Murugan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4 and would submit that the encroachment caused by the fifth respondent upon the said water body in Survey No.173, situate in Thenkarai, Thiruppathur Taluk, Sivagangai District would be removed by following the due process of law.

6. This Court, taking into consideration the above facts and circumstances and without going to the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the fourth respondent to take appropriate action for cause removal of the encroachment in survey No.173-Kunnendhal Kanmai by following the due process of law and also adhering to the principles of natural justice by putting the 5th respondent on notice 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, as well as the fifth respondent.

This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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
Sivagangai District
Sivagangai.
- 2.The District Revenue Officer
Sivagangai District
Sivagangai.
- 3.The Revenue Divisional Office
Devakottai
Sivagangai District.
- 4.The Tahsildar
Thiruppathur
Sivagangai District.

+1 CC to SGP (SR-17969[F] dated 24/09/2020)

Order made in
W.P. (MD) No.11859 of 2020

22.09.2020

NR (05.10.2020) 3P 6C