



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.11826 of 2020

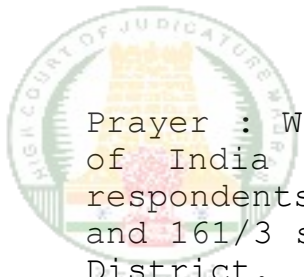
M.Krishnamoorthy

... Petitioner

Vs.

1. The District Collector,
Karur District, Karur.
2. The District Revenue Officer,
Karur District, Karur.
3. The Revenue Divisional Officer/Sub-Collector,
Kulithalai, Karur District.
4. The Tahsildar,
Krishnarayapuram Taluk,
Krishnarayapuram, Karur District.
5. The Village Administrative Officer,
Mayanur Village, Krishnarayapuram Taluk,
Karur District.
6. The President,
Mayanur Village Panchayat,
Krishnarayapuram Taluk,
Karur District.
7. The Assistant Executive Officer,
Maintenance & Operation,
Tamil Nadu Electricity Board,
Mayanur, Krishnarayapuram Taluk,
Karur District.
8. Mr.Ramanujam,
Village Administrative Officer,
Mayanur Village,
Krishnarayapuram Taluk,
Karur District.
9. A.Selvarani
10. Bagya.Ragupathy

... 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 6 to remove the encroachments in S.F.Nos.160,161/1 and 161/3 situated at Mayanur Village, Krishnarayapuram Taluk, Karur District.

For Petitioner : Mr.K.Balasubramani

For Respondents : Mr.M.Muthugeethaiyan,
Spl.Govt.Pleader for R1 to R5 & R7
Mr.R.Murugan,
Additional Govt.Pleader for R6

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O R D E R

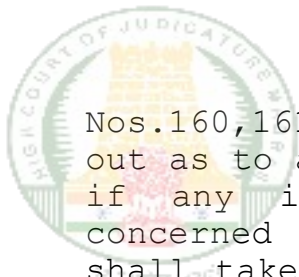
[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The Writ petition, styled as a Public Interest Litigation, is filed by a resident of Mayanur Village, Krishnarayapuram Taluk, Karur District and according to him, lands in Survey Nos.160,161/1 and 161/3 of Mayanur Village, are located very near and proximity to the Cauvery River bed and during rainy seasons, it is used to be act as a water drainage facility also and the private respondents had encroached upon the same and also put up the wire fence.

2. The learned Counsel appearing for the Writ petitioner would submit that the office of the first respondent sent repeated communications dated 18.05.2020 and 29.05.2020, to the fourth respondent to take appropriate action, so also the Sub-Collector, Kulithalai, vide memo dated 04.06.2020 in O.Mu.A4/1192/2020. Similarly, the Commissioner of Land Administration, Chempauk, Chennai- 600 005, also sent a communication dated 07.07.2020, in letter No.T2/8189/2020 to the office of the first respondent and despite that, no action whatsoever has been taken to remove the encroachment caused by the private respondents and left with no other option, the Writ petitioner is constrained to approach this Court by way of filing this Writ petition.

3. Heard the submissions of Mr. K.Balasubramani, learned Counsel appearing for the petitioner. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 5 and 7 and Mr.R.Murugan, learned Additional Government Pleader accepts notice on behalf of the sixth respondent.

4. 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 representation or in this Writ petition, directs the respondents 4 and 5, to cause joint inspection of the land in Survey



Nos.160,161/1 and 161/3, Mayanur village, Karur District, to find out as to any encroachment/unauthorised removal of sand or earth and if any infraction/violation is revealed, they shall put the concerned persons including the private respondents, on notice and shall take immediate and appropriate action in accordance with law within a stipulated time frame by also adhering to the principles of natural justice. The respondents 4 and 5 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 private respondents and other persons/encroachers concerned.

5. The **Writ petition stands disposed of** with the above directions. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
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5. The Village Administrative Officer,
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Karur District.

6. The President,
Mayanur Village Panchayat,
Krishnarayapuram Taluk,
Karur District.

7. The Assistant Executive Officer,
Maintenance & Operation,
Tamil Nadu Electricity Board,
Mayanur, Krishnarayapuram Taluk,
Karur District.

+1 CC to the SPL GP (SR-17277[F] dated 17/09/2020)

W.P. (MD) No.11826 of 2020
16.09.2020

AVS (CO)
CS (24.09.2020) 4P 9C