



WEB COPY

W.P.(MD)No.94 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No. 94 of 2019

M.Nizamdheen

... Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3.The Tahsildar,
Manamelkudi & Taluk,
Pudukottai District.

4.K.M.M.Mannangathi Rowther

5.K.M.Y.Kaja Mohideen

6.K.M.S.Sheik Mohammed Rowther

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in Old Survey No.195/3 with an extent of 3 acres 28 cents at Ammapattinam, Manamelkudi Revenue Village & Taluk, Pudukottai District a water body, cancelling the sub-division effected.

For Petitioner

: Mr.N.Balakrishnan

For Respondents

: Mr.V.R.Shanmuganathan

Special Government Pleader
for R.1 to R.3

: Mr.R.P.Ramachanthiran for R.5

: No Appearance for R.4 and R.6

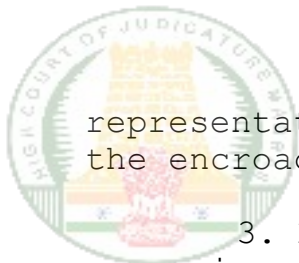
ORDER

[Order of the Court was delivered by **M.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in Old Survey No.195/3 measuring an extent of 3 acres 28 cents at Ammapattinam, Manamelkudi Revenue Village and Taluk, Pudukottai District a water body, cancelling the sub-division effected in the said water body.

2. Mr.N.Balakrishnan, learned Counsel appearing for the petitioner submitted that the petitioner has already given a

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representation to the third respondent on 27.11.2018, for removing the encroachment made in the water body.

3. Mr.V.R.Shanmuganathan, learned Special Government Pleader, appearing for the respondents 1 to 3 submitted that the third respondent may be directed to consider the petitioner's representation and pass orders in accordance with law, after giving notice to all the interested parties / alleged encroachers.

4. The learned Counsel appearing for the fifth respondent submitted that the third respondent / Tahsildar may be directed to consider the case of both parties, after giving an opportunity of hearing to all the interested parties.

5. Having regard to the submissions made by the learned Counsel appearing on either side and taking into consideration the limited prayer sought for by the learned Counsel appearing for the petitioner, we direct the third respondent/Tahsildar, Manamelkudi Taluk, Pudukottai District, to consider the petitioner's representation dated 27.11.2018 and pass orders on merits and in accordance with law, after giving notice to all the interested parties / alleged encroachers, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,Pudukottai District.

2.The Revenue Divisional Officer,
Aranthangi,Pudukottai District.

3.The Tahsildar,
Manamelkudi & Taluk,Pudukottai District.

+1 CC to M/s.R.P.RAMACHANDRAN, Advocate (SR-7215[F]

+1 CC to M/s.SPL.GP (SR-7278[F] dated 20/02/2020)

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19.02.2020

SMA/28/02/2020/2P/6C