

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.3562 of 2021

P.Kalliyaperumal

.. Petitioner

Versus

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Tahsildar,
Sirkali Taluk,
Nagapattinam District.
3. The Revenue Divisional Officer,
Mayiladuthurai,
Nagapattinam District.
4. The President,
Manigramam Panchayat,
Sirkali Taluk,
Nagapattinam District.

5.K.Baskaran

6.J.Sathyamurthy

7.J.Rajkumar

8.C.Vaithyalingam

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to remove the encroachments of water bodies (vaikkal poromboke) made by the 5th to 8th respondents situated in S.No. 313/1 and 313/2, Manigramam village, Sirkali Taluk, Nagapattinam District.

For Petitioner : Mr.B.Saravankumar

For RR1 to 4 : Mr.R.Vijayakumar

Additional Government Pleader

ORDER

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

The petitioner claims to be an agriculturalist and owner of the land admeasuring an extent of 1.5 acres, comprised in S.F.No.311, Manigramam Village, Sirkali Taluk, Nagapattinam District. According to him, there exist encroachments upon a water course poromboke in S.F.Nos.313/1 and 313/2 by the private respondents and despite representations and various directions emanated from the office of the superior officials, the 2nd respondent has not all taking any action and therefore, he is constrained to approach this Court by filing this Writ Petition.

2. The learned counsel appearing for the petitioner would submit that the father of the 5th respondent along with one Paramasivam has filed a Civil Suit in O.S.No.83 of 2007, against the Village Administrative Officer, the Revenue Inspector, Thiruvallur, the Tahsildar (2nd respondent herein), the Collector of Nagapattinam District (1st petitioner herein) as well as against the petitioner herein, praying for permanent injunction restraining them from interfering with his peaceful possession and enjoyment of the land in S.F.No.313/2 and the Suit, after contest, came to be decreed, vide judgment and decree dated 30.10.2017 and it has also become final and despite that, the official respondents are not taking any action to remove the encroachments and the representations submitted in this regard has also failed to invoke any kind of response and therefore he is constrained to approach this Court by filing this Writ Petition.

3. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

4. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the 2nd respondent to act on the urgent Memo dated 20.03.2020 in Na.Ka.No.2379/2019/Oo4, sent by the office of the 1st respondent and after putting on notice, the petitioner and the respondents 5 to 8, shall cause survey and inspection in S.No. 313/1 and 313/2, Manigramam village, Sirkali Taluk, Nagapattinam District and if the result of the inspection reveals any encroachment or unauthorised construction, shall take immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner and the respondents 5 to 8 and any other persons concerned.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Tahsildar,
Sirkali Taluk,
Nagapattinam District.
3. The Revenue Divisional Officer,
Mayiladuthurai,
Nagapattinam District.
4. The President,
Manigramam Panchayat,
Sirkali Taluk,
Nagapattinam District.

+1cc to Mr.E.Veda Bagath Singh, Advocate, S.R.No.10032.
+1cc to the Government Pleader, S.R.No.10435.

W.P.No.3562 of 2021

PL(CO)
CSR 11.03.2021