



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.14886 of 2021

K.Krishnan

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Kallakurichi District 606202.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi District 606202.

3.The Tahsildar,
Sankarapuram Taluk Office,
Sankarapuram Taluk,
Kallakurichi District 606 202.

4.Mr.K.Narayanasamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the 3rd Respondent to consider the Petitioner's representation dated 20.03.2020 and evict the encroacher in the Government Poromboke land in Pavunjipattu Village, Survey No.89/1&2 within a stipulated period.

For Petitioner : Mr.M.K.Bhoopathy Rajan.

For Respondents : Mrs.R.Anitha
State Government Counsel for R1 to R3.



O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

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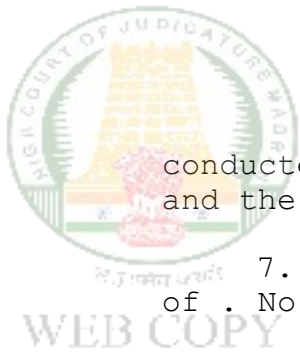
2. The Petitioner contends that the private respondent has encroached upon the water body comprised in S.No.89/1&2 which is classified as Government Poromboke land measuring to an extent of 51.06 Ares in Pavunjipattu Village, Kallakurichi District. According to the Petitioner, the Private Respondent has encroached upon the Poromboke land blocking free flow of usage of cart track to reach the Petitioner's agricultural land. That apart, it is also stated that private respondent has encroached upon the lake area. Therefore, the Petitioner gave representations on 04.03.2020 and 20.03.2020. Since no action has been taken, the Petitioner has come before this Court.

3. Heard Mr.M.K.Bhoopathy Rajan, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel for the Respondents 1 to 3. Notice to the Fourth Respondent at this stage is not necessary and the same is dispensed with as this Court intends to direct the official Respondent to conduct survey and take action against the encroachers, if it is found that Government poromboke land and water body has been encroached upon by any person, after giving notice to them.

4. It is seen from the records that based on the Petitioner's representation dated 20.03.2020, the District Collector, Kallakurichi / First Respondent has directed the Tahsildar, Sankarapuram Taluk, Kallakurichi / Third Respondent to look into the representation made by the Petitioner and subsequently, the Third Respondent has also sent a reply to the Petitioner dated 13.07.2020. However, thereafter since no action has been taken, the Petitioner has come before this Court.

5. Since the Petitioner alleges that the Private Respondent has encroached upon the Water body and pathway, this Court directs the Third Respondent to make inspection and conduct enquiry, after giving notice to the Petitioner as well as to the Private Respondent and to the concerned parties and find out whether any pathway in the above said property or water body has been encroached upon by any other person and if it is found, the same shall be removed as per law within a period of twelve weeks from the date of receipt of a copy of this order.

6. It is made clear that notice shall be given to the Petitioner as well as to the Fourth Respondent and to the concerned parties and without notice, no inspection or enquiry should be conducted. If without notice, inspection is



conducted, that will be deemed to be violation of Court order and the parties are at liberty to initiate contempt proceedings.

7. With the above directions, this Writ Petition is disposed of . No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Office of the Collectorate,
Kallakurichi District 606202.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi District 606202.
- 3.The Tahsildar,
Sankarapuram Taluk Office,
Sankarapuram Taluk,
Kallakurichi District 606 202.

+1cc to Mr.M.K.Bhoopathy Rajan, Advocate (SR No.34186)

W.P.No.14886 of 2021

KV (CO)
PR (16/08/2021)