



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM :

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**The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mrs.JUSTICE R.HEMALATHA**

W.P. (MD) No.4527 of 2021

Prabhu

.. Petitioner

Vs

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
3. The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.
4. The Block Development Officer,
Manamelkudi,
Pudukkottai District.
5. Kannan @ Arockiaprabhu
6. Sekar
7. Dennish
8. Johnpaul
9. Gowri
10. Johnpeter
11. Easter John

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the 1st Respondent to directing the 3rd Respondent to remove the encroachments and protect the Water catchments and its input canals in the irrigation water pond namely Sadayan Endhal situated in Survey No.110/1 and Government Grazing Yard and Burial and Grave Yard and Public Pathways of Seyayanam Village, Manamelkudi Taluk, Pudukkottai District based on the petitioner's representation, dated 03.07.2020 with in stipulated time limit as fixed by this Court.



For Petitioner

: Mr.NA.Palaniyandi

For Respondent

: Mr.Ka.Mu.Muthu

Nos.1 to 4

Additional Government Pleader

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ORDER

[Order of the Court was made by THE HON'BLE CHIEF JUSTICE]

The petitioner complains of encroachment by the private respondents in the irrigation water pond namely Sadayan Endhal situated in Survey No.110/1 and Government Grazing Yard and Burial and Grave Yard and Public Pathways of Seyayanam Village, Manamelkudi Taluk, Pudukkottai District.

2.It appears that the petitioner has made a written representation on July 03, 2020 to the first respondent District Collector and such representation has not been considered.

3.Ordinarily, this Court will not be minded to receive every petty complaint of encroachment unless there is a larger element of public interest involved. Without in any manner belittling the problem of encroachment on public land that exists in this State, if Courts were to get into every tiny encroachment in every village of the State, there would be hardly any time to address other matters of pressing need.

4.At the same time, it must be emphasised that public land and waterbodies must be protected and revenue officials and others tasked with the maintenance of such places must ensure that no encroachment is allowed and that encroachments, if made, are dealt with expeditiously and effectively in accordance with law.

5.Accordingly, the petitioner is permitted to make a fresh representation to the fourth respondent Block Development Officer within a fortnight from date, whereupon the said respondent will consider the matter upon affording an opportunity of hearing to all concerned who might get affected by the resultant order. The speaking order of the fourth respondent should be communicated to all concerned, including to the petitioner, within eight weeks of the receipt of the representation.

6.In the event the petitioner is aggrieved by the action taken or the failure to take action, the petitioner will be entitled to pursue further proceedings, but not by way of a public interest litigation and upon establishing his *locus standi*.



7.W.P. (MD)No.4527 of 2021 is disposed of without any order as to costs.

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// True Copy //

Sd/-
Assistant Registrar (CS-II)

/ /2021
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,
Pudukkottai,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
3. The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.
4. The Block Development Officer,
Manamelkudi,
Pudukkottai District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-9144[F] dated 05/03/2021)
+1 CC to Mr.NA.PALANIYANDI, Advocate (SR-8913[F] dated 04/03/2021)

SSL/DSK

TE : 12/03/2021 : 3P/7C

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