



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.3777 of 2021

Sekar

... Petitioner

-vs-

- 1.The District Collector,
Collector Office,
Pudukkottai, Pudukkottai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai,
Pudukkottai District.
- 3.The Tahsildar,
Taluk Office,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Block Development Officer,
Arimalam Panchayat Union Office,
Arimalam, Pudukkottai District.
- 5.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.

- 6.R.Vellaisamy
- 7.P.Kuppusamy
- 8.S.Arasappan
- 9.Subbiah
- 10.A.Alagappan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 4 to initiate appropriate legal proceedings against the respondents 6 to 10 and to remove the encroachments made in S.Nos.476/39, 94/20, 90/5, 90/2 and 473/22 situated at Alankudi Village, Sengeerai-Raya



Ragunatha Samuthiram Panchayat, Thirumayam Taluk, Pudukkottai District, in the light of the proceedings initiated by the first respondent vide Office Proceedings in O.Mu.16902/2020/E1, dated 14.10.2020 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.A.K.Gopalan

For Respondents : Mr.R.Murugaraj
Government Advocate for R.1 to R.5

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of encroachment by the private respondents in specified survey numbers situated at Alankudi Village, Sengeerai-Raya Ragunatha Samuthiram Panchayat, Thirumayam Taluk, Pudukkottai District.

2.It appears that the petitioner has made a written representation on September 18, 2020 to the first respondent 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 hardly be any time to address other matters of pressing need.

4.At the same time, it must be emphasized 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 third and fourth respondents within a fortnight from date, whereupon the said respondents 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 relevant respondents 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.3777 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SMN2/GK

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,
Collector Office,
Pudukkottai, Pudukkottai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai, Pudukkottai District.
- 3.The Tahsildar,
Taluk Office,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Block Development Officer,
Arimalam Panchayat Union Office,
Arimalam, Pudukkottai District.
- 5.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-9214[F] dated 05/03/2021)

Order made in
W.P. (MD) No.3777 of 2021
04.03.2021

MA (CO)

SRS (15/03/2021) 3P : 7C

<https://hcservices.ecourts.gov.in/hcservices/>