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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.7963 of 2021

S.Vellaichamy

... Petitioner

Vs.

- 1.State Rep. by,
The District Collector,
Collectorate Campus, Dindigul.
- 2.State rep. by,
The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District.
- 3.State rep. by,
The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 4.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 5.The Block Development Officer,
Office of the Block Development Officer,
Reddiarchatram, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 07.08.2017, 10.06.2019 and 02.02.2021 and consequently direct the first respondent to direct the respondents 3 to 5 to remove the encroachments in the Edumba Gowndar Kulam situated in S.Nos.37, 39/5, 40/6, 40/7 and in the pathway and odai in S.Nos.35 and 38 and in the Government poramboke lands in S.No.44 to an extent of 6 acres situated in Sullerumbu village, Dindigul West Taluk, Dindigul District.



For Petitioner : Mr.R.Senthil Kumar
For Respondents 1 to 4 : Mr.K.Mu.Muthu
Additional Government Pleader
For Respondent No.5 : Mr.K.P.Krishnadass,
Special Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Senthil Kumar, learned Counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for respondents 1 to 4 and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the fifth respondent.

2.The petitioner has filed this Writ Petition to remove the encroachment in the water body and adjoining Government lands and submitted representations dated 07.08.2017, 10.06.2019 and 02.02.2021.

3.The instructions given to the learned Special Government Pleader by the fifth respondent shows that the land is classified as a water body. If that is so, then, the authorities should take immediate action to remove the encroachments, if any, by following the proper procedure under the relevant statute. We specifically make this observation because in several cases when writ petitions are disposed of by directing the authorities to take action on the representations given by the villagers alleging encroachments in water bodies or government lands, immediate action of dispossession is done by the authorities and those encroachers immediately rush to this Court, stating that no notice has been issued to them. Hence, proper procedure has to be followed by the authorities. However, we wish to add that there is no legal right for an encroacher to squat in a government property. This observation should be borne in mind by the authorities while taking action for removing encroachment.

4.In the light of the above, we direct the fourth and fifth respondents to consider the representations of the petitioners dated 07.08.2017, 10.06.2019 and 02.02.2021, conduct a spot inspection immediately and initiate proper action to remove the encroachments, wherever it is, inside the water body or on the government lands, after following proper procedures. This direction shall be complied with within a period of three [3] months from the date of receipt of a copy of this order.



5. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

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,
Collectorate Campus,
Dindigul.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District.
3. The Revenue Divisional Officer,
Dindigul,
Dindigul District.
4. The Tahsildar,
Dindigul West Taluk,
Dindigul District.
5. The Block Development Officer,
Office of the Block Development Officer,
Reddiarchatram,
Dindigul District.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-16568[F] dated 20/04/2021)

+1 CC to M/s.SPL GP (SR-16691[F] dated 20/04/2021)

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



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+2 CCs to SPL GP (SR-16489[F] dated 19/04/2021)

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RRS (10.05.2021) 4P 10C