



WEB COPY

W.P.[MD]/No.8602 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.8602 of 2021

M.Arjunan

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Pudukottai,
Pudukottai District.

2.The Assistant Engineer,
Irrigation Section,
Aavudaiyar Kovil,
Public Works Department,
Pudukottai,
Pudukottai (District).

3.The Tahsildar,
Aavudaiyar Kovil,
Aavudaiyar Kovil (Taluk),
Pudukottai (District).

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments in 1) Survey No.8/11 (1.30.5) 2) Survey 195/17(0.19.5) 3) Survey No.201/4 (0.46.5) 4) Survey No.17/4 (0.35.0) 5) Survey No.13 (11.42.5) 6) Survey No.28/3 (2.49.5) 7) Survey No. 178 (0.52.5) 8) 3(159.99.0) 9) 4 (4.68.5) 10) Survey No.11/1A, 1B, 1C1 (0.12.5) situated at Vilankattur Village, Thani Kondan Revenue Village, 73, Kavathukudi Talik, Ponpethi Saragam, Aavudaiyar Kovil (Taluk) Pudukottai District and restore the pond and Kanmoi (Tank) based on the representation dated 10.12.2020.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.K.P.Krishnadass,
Special Government Pleader



O R D E R

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

With the consent on either side, this Writ Petition itself is taken up for final disposal.

2.Heard Mr.V.Selvakumar, learned Counsel appearing for the petitioner and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents.

3.The petitioner seeks for a direction to the respondents to remove the encroachments in 1) Survey No.8/11 (1.30.5) 2) Survey 195/17(0.19.5) 3) Survey No.201/4 (0.46.5) 4) Survey No.17/4(0.35.0) 5) Survey No.13 (11.42.5) 6) Survey No.28/3 (2.49.5) 7) Survey No. 178 (0.52.5) 8) 3(159.99.0) 9) 4 (4.68.5) 10) Survey No.11/1A, 1B, 1C1 (0.12.5) situated at Vilankattur Village, Thani Kondan Revenue Village, 73, Kavathukudi Talik, Ponpethi Saragam, Aavudaiyar Kovil (Taluk) Pudukottai District and restore the pond and Kanmoi (Tank) based on his representation dated 10.12.2020.

4.From the documents filed in the typed set of papers, we find that already action has been initiated and the Assistant Engineer, has written to the Tahsildar, Aavudaiyarkovil on 17.09.2020, to conduct survey and give the details of encroachments. Considering the pandemic situation, it would not be proper to immediately take action. Hence, the Tahsildar shall take action when the situation is normal and if there is encroachment, appropriate proposal shall be sent in accordance with law.

5.Learned Counsel for the petitioner submitted that the Village Administrative Officer has already given a report that there is encroachment.

6.If that report is available, the Tahsildar shall also take note of the report while conducting survey.

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

Sd/-

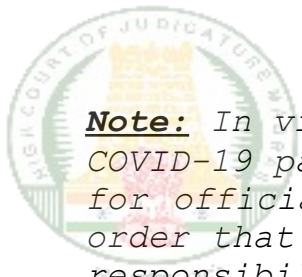
Assistant Registrar (CS-II)

// 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.

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To

- 1.The District Collector,
Collectorate Office,
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Pudukottai District.
- 2.The Assistant Engineer,
Irrigation Section,
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Public Works Department,
Pudukottai,
Pudukottai (District).
- 3.The Tahsildar,
Aavudaiyar Kovil,
Aavudaiyar Kovil (Taluk),
Pudukottai (District).

+1 CC to M/s.SPL GP (SR-17915[F] dated 28/04/2021)

ORDER MADE IN
W.P. [MD]No.8602 of 2021

27.04.2021

RK(12.05.2021) 3P 5C