



WEB COPY

**W.P(MD)No.10047 of 2021**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2021

CORAM:

**The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM**

**AND**

**The Hon'ble Mrs.JUSTICE S.ANANTHI**

**W.P. (MD) .No.10047 of 2021**

Sivarama Krishnan

...Petitioner

Vs.

1.The District Collector,  
Thanjavur District,  
Thanjavur.

2.The Revenue Divisional Officer,  
Pattukottai,  
Thanjavur District.

3.The Commissioner,  
Pattukottai Municipality,  
Pattukottai,  
Thanjavur District.

4.The Assistant Executive Engineer,  
Kalanai Kalvai Division-Section-II,  
Pattukottai,  
Thanjavur District.

5.The Joint Commissioner,  
of HR & CE Department,  
Thanjavur District.

6.Rama Devi

7.Padmavathi

8.Kumar

....Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents 1 and 5 to remove the encroachment made by the respondents 6 to 8 in SY.No.132 public tank in Pattukkodai Municipality, Thanjavur District and restore the public Tank area of 5 acre 44 cent's.

For Petitioner : Mr.M.Balamohan Thambi V.M.

For Respondents : Mr.A.K.Manickam,  
Government Counsel  
for RR1, 2, 4 and 5



Mr.L.P.Mouriya,  
Government Counsel for R3

**O R D E R**

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

Heard Mr.V.M.Balamohan Thambi, learned counsel appearing for the petitioner and Mr.A.K.Manickam, learned Government counsel appearing for the respondents 1, 2, 4 and 5 and Mr.L.B.Mouria, learned Government counsel appearing for the third respondent.

2. The petitioner by way of this Writ Petition seeks for a direction upon the official respondents to remove the encroachment caused by the respondents 6 to 8.

3. Since we are disposing of the writ petition without notice to the respondents 6 to 8, we are not inclined to issue any positive direction.

4. The representation which was submitted by the petitioner has been forwarded by the second respondent to the fourth respondent, who is the Assistant Executive Engineer, Kalanai Kalvai Division-Section-II, Pattukottai. However, the petitioner states that the tank is a temple tank which will fall under the jurisdiction of the fifth respondent. Thus, it is not clear as to who will be the Competent Authority to remove the encroachment. Therefore, we direct the fourth and fifth respondents to look into the grievance expressed by the petitioner, issue notice to the petitioner and the respondent Nos.6 to 8 and also to the Executive Officer of the Maharaja Samuthiram, Perumal Kovil Street, Pattukottai Taluk and after hearing all the parties and if necessary, after carrying out necessary survey, action be initiated in accordance with law. This direction be complied with within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

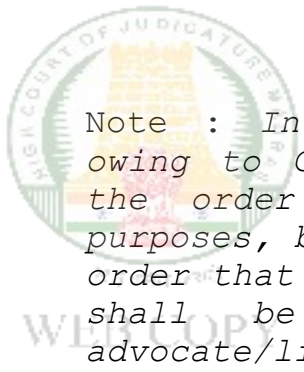
Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb/ps



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,  
Thanjavur District,  
Thanjavur.

2.The Revenue Divisional Officer,  
Pattukottai,  
Thanjavur District.

3.The Commissioner,  
Pattukottai Municipality,  
Pattukottai,  
Thanjavur District.

4.The Assistant Executive Engineer,  
Kalanai Kalvai Division-Section-II,  
Pattukottai,  
Thanjavur District.

5.The Joint Commissioner,  
of HR & CE Department,  
Thanjavur District.

+1 CC to M/s.SPL GP ( SR-19356[F] dated 15/06/2021 )

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate ( SR-19328[F] dated 15/06/2021 )

Order made in  
**W.P.No.10047 of 2021**

Dated:

**11.06.2021**

—  
KK(23.06.2021) 3P 8C