



WEB COPY

W.P.[MD]No.9727 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. [MD]No.9727 of 2021

and

W.M.P. [MD]Nos.7426 of 2021

P.Backiyaraj

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

4.The Block Development Officer (Village Panchayat),
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

5.The President,
Meikkilar Patti Panchayat,
Meikkilar Patti,
Usilampatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to not to lay down any road on water course (Odai) obstructing the natural water flow in survey No.66/1 & 66/2 of Sikkampatti Revenue Village of Usilampatti Taluk.

For Petitioner : Mr.K.Raghul Priyan

For Respondents 1 to 5 : Mr.A.K.Manickam

Standing Counsel for Government

O R D E R

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

With the consent on either side, the Writ Petition itself is

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taken up for final disposal.

2. Heard Mr.K.Raghul Priyan, learned Counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for respondents 1 to 5.

3. The petitioner seeks for issuance of a Writ of Mandamus, to direct the respondents not to lay any road in a water course which is comprised in Survey Nos.66/1 & 66/2, Sikkampatti Revenue Village of Usilampatti Taluk.

4. The petitioner has sent representations on 19.04.2021 to all the respondents and he has also received the postal acknowledgement. However, till date, no action has been initiated; not even a reply was sent to the petitioner. Learned Counsel for the petitioner places reliance on the A-Register for Sikkampatti Revenue Village and states that the lands in question are classified as Odai.

5. Learned Government Counsel on instructions from the third respondent submitted that the petitioner is also an encroacher. It is not clear as to on what basis the third respondent has come to such conclusion, especially, when survey is yet to be conducted. Therefore, we direct the third respondent to organize a survey to be conducted in the entire area and demarcate all the encroachments and after issuing notice to the encroachers, appropriate steps be initiated to remove the encroachments, as expeditiously as possible, preferably within a period of eight [8] weeks from the date of receipt of a copy of this order. Till survey is completed as per the above direction, no road shall be laid in the lands in question and *status quo* prevailing as on date shall be maintained.

6. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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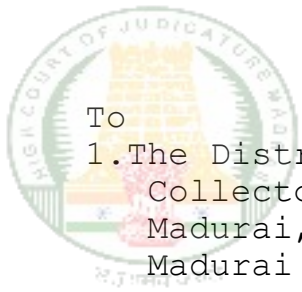
/ /2021

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.

MR

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



To

1.The District Collector,
Collectorate,
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Madurai District.

2.The Revenue Divisional Officer,
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3.The Tahsildar,
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4.The Block Development Officer (Village Panchayat),
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

5.The President,
Meikkilar Patti Panchayat,
Meikkilar Patti,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.A.K.MANIKKAM, Advocate (SR-18979[F] dated 08/06/2021)

+1 CC to M/s.SPL GP (SR-19029[F] dated 08/06/2021)

ORDER MADE IN
W.P. [MD]No.9727 of 2021

04.06.2021

GS (18.06.2021) 3P 8C