



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.10333 of 2021

and W.M.P. (MD) Nos.7993 and 7995 of 2021

Pandi

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District, Pudukkottai.
- 2.The Assistant Director,
Village Panchayat, Thekkatoor Panchayat,
Thirumayam Taluk, Pudukkottai District.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Thirumayam Taluk, Pudukkottai District.
- 4.The Thasildar, Thirumayam Taluk,
Pudukkottai District.
- 5.The Block Development Officer,
Thekkatoor Panchayat,
Thirumayam Taluk, Pudukkottai District.
- 6.The Village Administrative Officer,
Thekkatoor Panchayat,
Thirumayam Taluk,
Pudukkottai District.
- 7.M.Muthulakshmi,
The President,
Thekkatoor Panchayat,
Thirumayam Taluk,
Pudukkottai District.

8.M.Indra

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing respondent Nos.1 to 7 to remove the encroachment made by the 8th respondent herein land classified as water body poromboke as per revenue records in survey No.564/2 at Kammajchettisathiram, Keelathemuthupatti, Thekkatoor Panchayat, Thirumayam Taluk, Pudukkottai District and also take necessary action to cancel the building plan permission granted to the 8th respondent and stop further encroachment based on the petitioner's representation dated 18.05.2021 within the time stipulated by this Hon'ble Court.

For Petitioner : Ms.A.Banumathy

For Respondents 1 to 6: Mr.A.K.Manickam,
Standing Counsel for Government

ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The petitioner seeks for a direction to respondent Nos.1 to 7 to remove the encroachment made by the 8th respondent herein in the land classified as water body poromboke as per revenue records in survey No.564/2 at Kammajchettisathiram, Keelathemuthupatti, Thekkatoor Panchayat, Thirumayam Taluk, Pudukkottai District and also take necessary action to cancel the building plan permission granted to the 8th respondent and stop further encroachment based on the petitioner's representation dated 18.05.2021 within a time frame.

2.Heard Ms.A.Banumathy, learned counsel for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for respondent Nos.1 to 6.

3.It is admitted by the petitioner that the 8th respondent has obtained a building plan approval from the seventh respondent viz., the President of the 7th respondent. If the land is classified as water body, then planning permission cannot be granted. Therefore, unless and until the land is classified as patta land the question of granting building plan approval does not arise.

4.Therefore, we direct the fourth respondent to conduct an inspection of the property in question and if it is found that the land is classified as water area or Government poromboke, then immediate action has to be taken for stopping construction and appropriate further action has to be taken in accordance with law. The inspection shall be conducted within one week from the date of receipt of a copy of this order.



5.The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Pudukkottai District,
Pudukkottai.
- 2.The Assistant Director,
Village Panchayat,
Thekkatoor Panchayat,
Thirumayam Taluk,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Thasildar,
Thirumayam Taluk,
Pudukkottai District.
- 5.The Block Development Officer,
Thekkatoor Panchayat,
Thirumayam Taluk,
Pudukkottai District.



6.The Village Administrative Officer,
Thekkatoor Panchyat,
Thirumayam Taluk,
Pudukkottai District.

7.M.Muthulakshmi,
The President,
Thekkatoor Panchayat,
Thirumayam Taluk,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-20039[F] dated
23/06/2021)

W.P. (MD) No.10333 of 2021
21.06.2021

NA (CO)
TR(29.06.2021) 4P 9C