



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.10479 of 2021

Chinnasamy

... Petitioner

Vs.

- 1.The District Collector,
Thenkasi Collector Office,
Thenkasi District.
- 2.The Revenue Divisional Officer,
R.D.O. Office, Sankarankovil,
Thenkasi District.
- 3.The Tahsildar,
Sankarankovil Taluk,
Thenkasi District.
- 4.The Block Development Officer,
O/o.Block Development Officer,
Sankarankovil,
Thenkasi District.
- 5.Mrs.Dhanalakshmi
- 6.Mr.Kalimuthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 4 to conduct a proper Survey and Remove the encroachments made by 5th and 6th Respondents along with some other private persons in water body of Stream (Odai) in Survey Nos.251, 252, 253, 301 and 304, which are situated at Panthapuli Village, Sankarankovil Taluk, Thenkasi District based on the petitioner's online representation on 22.05.2021, Consequently representation on 24.05.2021 and 08.06.2021 within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.P.Ponraj

For Respondent Nos.1 to 3 : Mr.R.Baskaran
Standing Counsel for Government

For 4th Respondent : Mr.R.Suresh Kumar
Standing Counsel



ORDER

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

The petitioner, by way of this Public Interest Litigation, seeks for consideration of his representations and consequential removal of encroachment alleged to have been made in a water body in Survey Nos.251, 252, 253, 301 and 304, situated at Panthapuli Village, Sankarankovil Taluk, Thenkasi District.

2.Heard Mr.P.Ponraj, learned counsel for the petitioner, Mr.R.Baskaran, learned Standing Counsel for Government, appearing for Respondent Nos.1 to 3 and Mr.R.Suresh Kumar, learned Standing Counsel, appearing for the 4th respondent.

3.Since we have proposed to dispose of the Writ Petition without notice to respondent Nos.5 and 6, we are not inclined to issue any positive direction. However, we note that the representation given by the petitioner has received the attention of the Tahsildar, Sankarankovil, who also submitted his report on 04.06.2021, from which, it is seen that survey required to be conducted because there are patta lands adjacent to the land classified as water body.

4.The officials should be granted reasonable time to take action and from the photographs we find that the trees are well grown trees. Therefore, the petitioner cannot immediately come before this Court and seek for time bound directions. Since the third respondent has initiated action, we direct the third respondent to proceed further in accordance with law after issuing notice to the respondent Nos.5 and 6. The said exercise shall be carried out as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// 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.

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



To

- 1.The District Collector,
Thenkasi Collector Office,
Thenkasi District.
- 2.The Revenue Divisional Officer,
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Thenkasi District.
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Sankarankovil Taluk,
Thenkasi District.
- 4.The Block Development Officer,
O/o.Block Development Officer,
Sankarankovil,
Thenkasi District.

+1 CC to M/s.SPL GP (SR-20174[F] dated 24/06/2021)

W.P. (MD) No.10479 of 2021
23.06.2021

MJ(CO)
TR(29.06.2021) 3P 6C