



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.12733 of 2021
and
W.M.P (MD) .No.9921 of 2021

V.Lakshmipathiraj

... Petitioner

Vs

- 1.The State Government,
Rep. by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Dindigul District.
3. The Project Director,
Rural Development Department,
Dindigul District.
4. The Assistant Director (Panchayat),
Assistant Director Office,
Dindigul.
5. The Block Development Officer,
Panchayat Union Officer,
Natham, Dindigul District.
6. The Tahsildar,
Natham, Dindigul District.
7. Manoharan Maniam
8. Pitchaimaniam
9. Kandasamy Maniam
10. Subramani Maniam



11. Kadiresan

12. Yallapatti Rasu Maniam

13. Murugan Maniam

14. Moorthi Maniam

15. Ravipandaram

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to directing the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 15 and consequently to remove the road laid in the water catchment area of Ayyakattu Kanmai called as Lakshmananayakar Kulam to an extent of land measuring 1 Hect 82.00 Ares as per the revenue records situated at Veerappanayakanpatti, Punnappatti, Natham.

For Petitioner : Mr.R.Saravanan

For respondents : Mr.R.Baskaran,
Standing Counsel for
Municipality for R1 to R6

ORDER

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

We have heard Mr.R.Saravanan, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel appearing for the respondents 1 to 6.

2. The petitioner has come before this Court, because, his representation for removal for the encroachment alleged to be made by the respondents 7 to 15 has not been removed by the Authorities.

3. We find that the representation given by the petitioner received attention of the Authorities and the Tahsildar, Natham, by communication dated 12.06.2019 directed the Block Development Officer, Natham, to take action. Thereafter, nothing appears to have moved and the petitioner has been giving representations dated 15.02.2021, 22.02.2021, 01.03.2021, 02.03.2021 and 23.06.2021.

4. The petitioner alleges that the encroachment is in a water catchment area. Since we are disposing of this writ petition without



notice to the respondents 7 to 15, we are not inclined to issue any positive direction. However, if the Authority find that there is encroachment, they do not require any order from this Court or for any third party to approach this Court for issuing direction to the Authorities to remove the encroachment. If the encroachment has been made in the Government property, waterbody, water catchment area, obviously, the Block Development Officer and the Village Administrative Officer would be aware of the same. If they failed to take action, then we can safely presume that the Block Development Officer and the Village Administrative Officer are colluding with the encroachers in the writ petition.

5. Therefore, we direct the sixth respondent to consider the petitioner's representations referred above and take appropriate legal action, if there is any encroachment made by the respondents 7 to 15. Needless to state that the respondents 7 to 15 should be issued show cause notice before action is being initiated. This direction be complied with within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this **Writ Petition stands disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

1. 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 Secretary,
State Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.



2. The District Collector,
Dindigul District.
3. The Project Director,
Rural Development Department,
Dindigul District.
4. The Assistant Director (Panchayat),
Assistant Director Office,
Dindigul.
5. The Block Development Officer,
Panchayat Union Officer,
Natham, Dindigul District.
6. The Tahsildar,
Natham, Dindigul District.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-23935[F] dated 27/07/2021)

+1 CC to M/s.SPL GP (SR-24411[F] dated 29/07/2021)

W.P. (MD) No.12733 of 2021
27.07.2021

MGJ(03.08.2021) 4P 9C