



WEB COPY

W.P.(MD) No.7597 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.7597 of 2019

S.P.Sekar

.. Petitioner

Vs

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Tahsildar,
Tahsildar,
Devakottai.
- 3.The Commissioner,
Kanankudi Panchayat Union,
Kannankudi,
Devakottai Taluk,
Sivagangai District.
- 4.The Executive Engineer,
Public Works Department - WRO Division,
Karaikudi,
Sivagangai District.

5.Moorthy

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the Respondents 1 to 4 to remove the encroachments made in Gunavayal Kanmai, S.No.84, having an extent of hectare 13.83.0 Ares, Gunavayal Village, Devakottai Taluk, Sivagangai District.

For Petitioner

: Mr.R.Murali
for Mr.Premkumar

For Respondents

: Mr.A.K.Manickam
Standing Counsel for
Government
for R1 to R4
No appearance for R5



O R D E R

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

Heard Mr.R.Murali, learned counsel for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1 to 4. Despite service of notice on respondent No.5, he neither appeared in person nor through counsel.

2.This Writ Petition has been filed seeking for a direction upon respondent Nos.1 to 4 to remove the encroachments made in Gunavayal Kanmai, S.No.84, having an extent of hectare 13.83.0 Ares, Gunavayal Village, Devakottai Taluk, Sivagangai District.

3.Admittedly, there is encroachment, as could be seen from the communications, which were sent by respondent Nos.2 and 3 to the writ petitioner. However, in the communication dated 31.01.2019, the Block Development Officer has informed the petitioner that the encroachers have to be evicted and given alternative site and thereafter, the water body will be restored.

4.It is not clear as to how many encroachers are there and how many of them are landless poor and how many of them have sufficient means, but still encroached the Government land. In any event, effective steps should have been taken to restore the water body to its original position. Parallelly some of the landless poor have put up temporary sheds and huts and are residing there. They can be considered for alternative accommodation. However, this concession cannot be granted to the other persons, who are already pattathars, who may have agricultural land and patta land. In this regard, the first respondent shall monitor the progress of the matter.

5.We direct the respondent Nos.2 to 4 to take further action in pursuant to the communications dated 31.01.2019 and 12.12.2019 and proceeded to remove the encroachments, after issuing notice to the petitioner and respondent No.5. As mentioned above, the first respondent shall monitor the progress of the matter. The above direction shall be complied as expeditiously as possible preferably within four months from the date of receipt of a copy of this order.

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

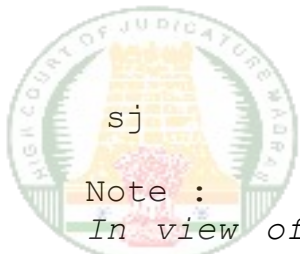
Sd/-

Assistant Registrar (T&P)

// 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,
Sivagangai,
Sivagangai District.
- 2.The Tahsildar,
Tahsildar,
Devakottai.
- 3.The Commissioner,
Kanankudi Panchayat Union,
Kannankudi,
Devakottai Taluk,
Sivagangai District.
- 4.The Executive Engineer,
Public Works Department - WRO Division,
Karaikudi,
Sivagangai District.

+1 CC to M/s.PREMKUMAR, Advocate (SR-23084[F] dated 19/07/2021)
+1 CC to M/s.GP (SR-23314[F] dated 20/07/2021)

W.P. (MD) No.7597 of 2019

16.07.2021

LS (CO)

LR (02.08.2021) 3P 7C