



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021
CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY**

W.P.(MD) No.17535 of 2021

Marriammal

.. Petitioner

Vs

1. The District Collector,
Collector Office,
Tirunelveli District.
2. The Revenue Divisional Officer,
Revenue Division Office,
District Collector Office campus,
Kokkirakulam,
Tirunelveli District.
3. The Tahsildar,
Tahsildar Office,
Manoor, Tirunelveli District.
4. The Village Administrative Officer,
Village Administrative Office,
Pillaiyarkulam Village,
Tirunelveli District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus to direct the respondents to remove the encroachment in the Pond (kulam) in Survey No.877, situated at Pillaiyarkulam Village, Manoor Taluk, Tirunelveli District encroached by the Village people from the village by considering the petitioner's representation dated 02.06.2021 and 16.07.2021.

For Petitioner : Mr.S.P.Prabakaran

For Respondents : Mr.P.Thilak Kumar
Government Pleader



ORDER

[Order of the Court was made by M.DURAISWAMY]

The petitioner has filed the above Writ Petition as a Public Interest Litigation, to issue a Writ of Mandamus, directing the respondents to remove the encroachment in the Pond in Survey No.877, situated at Pillaiyarkulam Village, Manoor Taluk, Tirunelveli District encroached by the Village people in the village, by considering the petitioner's representations, dated 02.06.2021 and 16.07.2021.

2. It is the case of the petitioner that many villagers have encroached the water body in Survey No.877, however, the representations given by her for the removal of the same, have not yet been considered by the official respondents.

3. Mr.P.Thilak Kumar, learned Government Pleader, taking notice for the respondents, submitted that the third respondent is the appropriate authority to consider the petitioner's representations and for removal of the encroachments.

4. In view of the averments stated in the affidavit filed in support of the petition and also the submissions made by the learned Counsel for the petitioner, we are of the view that it would be suffice to direct the third respondent to consider the petitioner's representations dated 02.06.2021 and 16.07.2021 and in the case of the third respondent finding encroachment in the property, necessary action should be taken for removal of the same in accordance with law. Accordingly, we direct the third respondent to consider the petitioner's representations dated 02.06.2021 and 16.07.2021 and after conducting inspection and enquiry, pass appropriate orders for the removal of the encroachment as expeditiously as possible, after following due process of law.

5. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

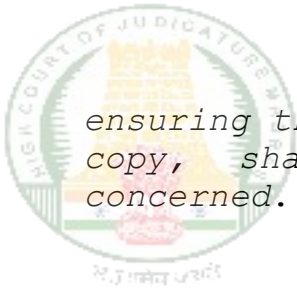
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/ /2021

Sub Assistant Registrar(CS)

SSL/PS

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ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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+1 CC to M/s.SPL.GP (SR-30502[F] dated 28/09/2021)

W.P.(MD) No.17535 of 2021
27.09.2021

RD(4.10.2021) 3P 6C