



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.14298 of 2020

and

W.M.P(MD) No.11955 of 2020

M.Ponsamraj

... Petitioner

Vs.

- 1.The District Collector
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar
Thisayanvilai Taluk,
Tirunelveli District.
- 4.The Block Development Officer
Thisayanvilai Taluk,
Thisayanvilai,
Tirunelveli District.
- 5.The Superintending Engineer
Public Works Department (WRO),
Tirunelveli
Tirunelveli District.
- 6.The Assistant Executive Engineer,
Public Works Department (WRO),
Valliyoor,
Tirunelveli District.
- 7.N.Prem
- 8.The Secretary to Government
Revenue Department,
Secretariat,
Chennai - 9.



9.The Secretary to the Government,
Public Works Department
Secretariat,
Chennai - 9.

10.The Secretary to the Government
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

11.The Secretary to the Government
Ministry of Environment and Forests
Secretariat,
Chennai - 9.

(Respondents 8 to 11 are suo-motu impleaded vide
Court order, dated 14.10.2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 6 to forthwith remove the entire encroachments made by the seventh respondent on the Nambiyaru Water Channel falling in S.No.155/1, at Kannanallur Village Thisayanvilai Taluk, Tirunelveli District. Within the time as may be fixed by this court.

For Petitioner	: Mr.T.Sundaravadanam
For Respondents 1 to 6 & 8 to 11	: Mr.K.Baskaran, Standing Counsel for Government
For 7th Respondent	: Mr.G.Antoprince

ORDER

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

Heard Mr.T.Sundaravadanam, learned counsel appearing for the petitioner, Mr.K.Baskaran, learned Standing Counsel for Government appearing for the respondents 1 to 6 and 8 to 11 and Mr.G.Antoprince, learned Counsel appearing for the seventh respondent.

2. The petitioner seeks for a direction upon the respondents 1 to 6 to forthwith remove the entire encroachments made by the seventh respondent on the Nambiyaru Water Channel falling in S.No.155/1, at Kannanallur Village Thisayanvilai Taluk, Tirunelveli District.

3.The learned counsel for the petitioner would contend that there are several encroachments and the encroachment made by the seventh respondent is of recent origin and causing hindrance to the



free movement of buses.

4.The learned counsel for the seventh respondent submits that the contention that the seventh respondent is an encroacher is incorrect and there are documents in his possession to prove the interrupted possession for over 40 years. Furthermore, it is submitted that the petitioner himself is an encroacher.

5.The relief sought for in the writ petition is too wide enough for this Court at this stage to issue any positive direction.

6.Therefore all that we can do is to direct the Tahsildar, Thisayanvilai, to consider the petitioner's representation and take note of the facts mentioned therein and arrange for an inspection to be conducted and thereafter make a survey and then proceed with the same, in accordance with law. The Tahsildar shall ensure that no fresh encroachments are made and if any encroachments is of the recent origin, action should be initiated against them in accordance with law.

7.With the above directions, the writ petition is disposed. of No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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
Tirunelveli District.

2.The Revenue Divisional Officer,
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Tirunelveli District.



3.The Tahsildar
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Tirunelveli District.

4.The Block Development Officer
Thisayanvilai Taluk,
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Tirunelveli District.

5.The Superintending Engineer
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Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

10.The Secretary to the Government
Ministry of Environment and Forests
Secretariat,
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+1 CC to M/s.T.SUNDARAVADANAM, Advocate (SR-23665[F] dated
23/07/2021)

W.P.[MD]No.14298 of 2020

22.07.2021

MGJ(30.07.2021) 4P 12C