



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) No.15075 of 2021

M.Muthuraman

... Petitioner

Vs

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Thiruppathur,
Sivagangai District.
- 4.The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.
- 5.S.Tamilarasan,
- 6.E.Malaisamy

... 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 encroachment made by the 5th and 6th respondents in Kundakanmoi water body in the Survey Nos.31 and 32 situated at Bhramanampatti Group, Thiruppathur Taluk, Sivagangai District, Within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.P.Vijay Nivas
For Respondents : Mr.P.Thilak Kumar
Standing Counsel for Government
for R1 to R4

ORDER

[Order of the Court was made by M.DURAI SWAMY, J.,]

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the encroachment made by the



respondent Nos.5 and 6 in Kundakanmoi water-body in Survey Nos.31 and 32 situated at Bhramanampatti Group, Thiruppathur Taluk, Sivagangai District, within a time frame.

2.It is the case of the petitioner that the private respondents have encroached the water-body in Survey Nos.31 and 32 of Thirupathur Taluk, Sivagangai District and that he has given repeated representations to the authorities for removing the encroachments made by them. The petitioner has also contended that in spite of the representations, the official respondents have not taken any action for removing the encroachment.

3.Mr. Thilak Kumar, learned standing counsel for the Government appearing for the respondent Nos.1 to 4 submitted that so far as the survey numbers 32/1 and 35/5 are concerned, pattas were issued in favour of the fifth respondent and the other sub divisions remain as a Government poramboke. Similarly, in survey number 31/12 a patta was issue in favour of the fifth respondent and with regard to survey number 31/10 patta was issued in favour of a private party. Since the other sub divisions in survey numbers 31 and 32 still stand as a Government poramboke, the learned standing counsel for the Government submitted that the fourth respondent would consider the petitioner's representation and after conducting proper enquiry, if the fourth respondent finds any encroachment in the Government poramboke land would take appropriate steps to remove the encroachments made in the lands in question.

4.In view of the submissions made by the learned standing counsel for the Government, we give liberty to the petitioner to give a fresh representation to the fourth respondent and on receipt of the same, the fourth respondent shall consider the same and pass orders on merits and in accordance with law, after giving notice to all the interested parties as expeditiously as possible.

5. With the above directions, this Writ Petition is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/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

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



correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Thiruppathur,
Sivagangai District.
- 4.The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-27217[F] dated 25/08/2021)

W.P. (MD) No.15075 of 2021

24.08.2021

GC(03.09.2021) 3P 6C