



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.19084 of 2020
and
W.M.P(MD)No.15967 of 2020

S.P.Dheenadayalan : Petitioner

Vs.

- 1.The District Collector
Tenkasi,
Tenkasi District.
- 2.The Assistant Director of Panchayat,
Rural Development and Panchayat Raj Department,
Tenkasi District.
- 3.The Tahsildar
Kadayanallur,
Tenkasi District.
- 4.The Block Development Officer
Melaneelithanallur,
Tenkasi District.
- 5.The Sub-Inspector of Police
Seranthamangalam Police Station,
Tenkasi District.
- 6.Arul Raj
- 7.Manickasamy : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in S.No.746/1 classified as "Government Poromboke Channel" situated in Seranthamangalam Village, Sankarankovil Taluk, Tenkasi District and restore the same for free flow of water connecting the channel situated in Survey No.759.



For Petitioner : Mr.R.J.Karthick
For R-1 to R-5 : Mr.A.K.Manickam
Standing Counsel for Government
For R-6 & R-7 : Mr.B.Anandan

O R D E R

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

Heard Mr.R.J.Karthick, learned Counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 to 5 and Mr.B.Anandan, learned counsel appearing for the respondents 6 and 7.

2. The petitioner seeks for a direction upon the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in S.No.746/1 classified as "Government Poramboke Channel" situated in Sernthamangalam Village, Sankarankovil Taluk, Tenkasi District and restore the same for free flow of water connecting the channel situated in Survey No.759.

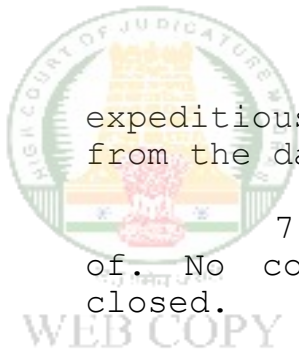
3. The learned Standing Counsel for Government appearing for the respondents 1 to 5, on instructions, submitted that a reasonable time may be granted to the respondents 3 and 4, to take appropriate action on the representation given by the petitioner which has been already forwarded to the Block Development Officer and the encroachment has been identified.

4. The learned counsel appearing for the respondents 6 and 7 would allege that the petitioner is a Real Estate Broker and there is a background to the present writ petitioner and it is not a genuine attempt made by the petitioner.

5. Be that as it may, if the authorities have conducted a survey and they have identified the encroachment, they do not require any direction from this Court nor any complainant to bring the encroachment to their notice. It is on their own accord they have to take action. Therefore, even assuming that the claim made by the petitioner was not fully bonafide, if on survey, it has been found that there is an encroachment, the authority should take appropriate action. However, before doing so, the encroachers as well as the respondents 6 and 7 should be given notice and reasonable opportunity to them, to place the materials before the authorities and if the said procedure is not followed, then it will be a violation of principles of natural justice and the entire exercise of removing the encroachment itself will be jeopardized. This shall be borne in mind by the respondents 3 and 4, when they take action.

6. Accordingly, we direct the respondents 3 and 4 to proceed with the terms of the above observation and direction, as

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



expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

// 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 advocate/litigant concerned.

To

1. The District Collector
Tenkasi,
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+1 CC to M/s.SPL GP (SR-22285[F] dated 13/07/2021)

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12.07.2021

LS (CO)

LR (19.07.2021) 3P 7C