



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.19665 of 2019

S.Arockiasamy

... Petitioner

Vs

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Division,
Devakottai.
- 3.The Tahsildar,
Karaikudi Taluk,
Karaikudi.
- 4.S.Arulsamy

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the first respondent i.e., the District Collector, Sivagangai District, Sivagangai to consider the petitioner's representation dated 11.10.2014 regarding illicit tree cutting and destroying of the channel Poramboke by one encroacher Thiru.S.Arulsamy, which has been dealt with by the District Collector, Sivagangai in his L.Dis.B2/8125/2014 which is based on earlier representation of the petitioner dated 22.04.2014, on merits and in accordance with law.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.R.Baskaran
Standing Counsel for
Government
For R1 to R3

O R D E R

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

Heard Mr.S.Visvalingam, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent Nos.1 to 3. The notice sent to the fourth respondent has been returned as unclaimed.



2.This Writ Petition has been filed for a direction upon the first respondent i.e., the District Collector, Sivagangai District, Sivagangai to consider the petitioner's representation dated 11.10.2014, regarding illicit tree cutting and destroying of the channel Poramboke by the fourth respondent, which has been dealt with by the District Collector, Sivagangai in L.Dis.B2/8125/2014, based on his earlier representation dated 22.04.2014.

3.The learned counsel for the petitioner would submit that the fourth respondent has encroached into the channel poramboke and after complaint was given, the authorities have sent a communication stating that the representation would be taken note of. The learned counsel for the petitioner has drawn our attention to the memorandum dated 13.05.2014, from the Revenue Divisional Officer, Devakottai to the Tahsildar, Karaikudi, directing action to be taken.

4.The grievance of the petitioner is that in spite of such direction, no action has been taken by the authorities to remove the encroachment. Considering the facts and circumstances of the case, we direct the petitioner to submit a fresh representation along with a copy of the earlier representation and the instruction given by the District Collector to the Revenue Divisional Officer, the instruction given by the Revenue Divisional Officer to the Tahsildar and the further instruction given by the Revenue Divisional Officer to the Tahsildar and on receipt of the same, the Tahsildar, shall take appropriate action after notice to the petitioner and the fourth respondent and if any encroachment is found, after affording an opportunity of personal hearing to the fourth respondent and any other encroacher, the same shall be removed in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AD-II)

// 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 District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai Division,
Devakottai.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi.

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RK (06.08.2021) 3P 4C