



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.11.2021

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
AND**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P(MD)NO.20389 OF 2021**

**and**

**W.M.P(MD)No.17041 of 2021**

1.K.Appathurai

2.K.Manickam

:Petitioners

.vs.

1.The District Collector,  
District Collector Office,  
Pudukkottai and District.

2.The Revenue Divisional Officer,  
Aranthangi Revenue Division,  
Pudukkottai District.

3.The Tahsildar,  
Manamelkudi Taluk,  
Pudukkottai District.

4.The Commssioner/The Block Development Officer,  
(Panchayats),  
Manamelkudi Panchayat Union,  
Manamelkudi Taluk,  
Pudukkottai District.

5.The President,  
Karkamalam Panchayat,  
Manalur Post,  
Manamelkudi Taluk,  
Pudukkottai District.

6.Chellamani

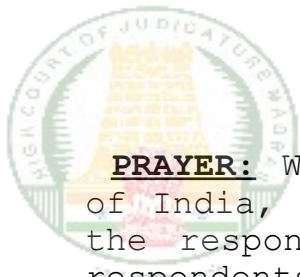
7.Thandayutham

8.Singaram

9.Raja

10.Mani

: Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 10 in Water body and its respective channel in S.F.Nos.54/1 to 54/4 of Karkamalam Village, Manamelkudi Taluk, Pudukkottai District and restore the water body and channel in its original capacity as per the Revenue Records.

For Petitioners

:Mr.K.Balasundharam

For Respondents  
1 to 4

:Mr.B.Saravanan  
Addl.Govt.Pleader

### **O R D E R**

**(Order of the Court was made by PUSHPA SATHYNARAYANA,J)**

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 10 in Water body and its respective channel in S.F.Nos.54/1 to 54/4 of Karkamalam Village, Manamelkudi Taluk, Pudukkottai District and restore the water body and channel in its original capacity as per the Revenue Records.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The prayer sought for by the Petitioners is to remove the encroachment made in the water body as referred supra and due to encroachment alleged by the Petitioners, there is water stagnation due to recent rain and making it difficult for the Writ Petitioners to get in and out of their house premises. The petitioners also find it difficult to drain the water in view of the encroachments. There was a direction given by this Court to the fourth respondent herein/The Commissioner/The Block Development Officer(Panchayats), Manamelkudi Panchayat Union to visit the above said survey numbers within two days and to drain the water stagnated in the Petitioners' property.

4.Upon compliance of the order, the Block Development Officer concerned had visited the place and drained the water and now there is no water stagnation and in turn, it is stated that it is only the Petitioners who have encroached in the above said survey numbers. If it is an encroachment made either by the Petitioners or by others, it is for the authorities concerned to take care of the same. However, before any attempt is being taken to remove the said encroachments, due process of law has to be followed.

5.As the prayer sought for by the Writ Petitioners is already



satisfied, the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

**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,  
District Collector Office,  
Pudukkottai and District.
- 2.The Revenue Divisional Officer,  
Aranthangi Revenue Division,  
Pudukkottai District.
- 3.The Tahsildar,  
Manamelkudi Taluk,  
Pudukkottai District.
- 4.The Commssioner/The Block Development Officer,  
(Panchayats),  
Manamelkudi Panchayat Union,  
Manamelkudi Taluk,  
Pudukkottai District.

+1 CC to M/s.SPL GP ( SR-34941[F] dated 18/11/2021 )

W.P(MD)NO.20389 OF 2021and  
W.M.P(MD)No.17041 of 2021  
17.11.2021

NA(CO)

KB(02.12.2021) 3P 6C