



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.21815 of 2021

and

W.M.P(MD) .No.18409 of 2021

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P.Janaki

... Petitioner

Vs.

- 1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 2.The Sub-Collector cum the Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Sivakasi,
Virudhunagar District.
- 4.The Village Administrative Officer,
Eenjar Village,
Sivakasi Circle,
Virudhunagar District.
- 5.The Block Development Officer,
Eenjar Village,
Saminatham Panchayat,
Sivakasi Circle,
Virudhunagar District.
- 6.The Panchayat President,
Eenjar Village,
Saminatham Panchayat,
Sivakasi Circle,
Virudhunagar District.

... 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 to remove the two check dams and two bore wells with electricity connections from the petitioner's land encroached by them which is situated in Survey No.1513/1, Eenjar Village, Sivakasi Circle, Virudhunagar District with an extent of 37 cents by way of considering the petitioner's representation dated 02.11.2021.



For Petitioner : Mr.K.P.Sankarakumarakuruparan
For R-1 to R-4 : Mr.D.Ghandiraj,
Special Government Pleader.
For R-5 and R-6 : Mr.S.Kameswaran,
Government Advocate.

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ORDER

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for respondents 1 to 4 and Mr.S.Kameswaran, learned Government Advocate, takes notice for respondents 5 and 6.

2. The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents to remove two check dams and two borewells with electricity connection from the land of the petitioner, which the petitioner claims, has been encroached by the respondents in Survey No.1513/1, Eenjar Village, Sivakasi Circle, Virudhunagar District, measuring 37 cents. The petitioner had sent a representation on 02.11.2021 in this regard.

3. However, a perusal of the records, as pointed out by Mr.D.Ghandiraj, learned Special Government Pleader, reveals that an order had been passed by the second respondent on 18.10.2021 in U.P.O.1/3175/2021, wherein, it had been very clearly stated that the lands in Survey No.1513/1 with patta No.1288 has been Odai for the past 100 years and that the petitioner had encroached upon the said lands and had put up construction. The Writ Petition is therefore entirely misconceived.

4. The petitioner claims that the respondents had encroached into the lands, whereas, there is a specific finding that the petitioner had encroached into the lands which is actually an Odai. In the said Odai, it had been stated that the respondents had put up borewell and had been supplying water for the people in the entire area. The interest of the public is more important. The petitioner has come to Court with false allegations.

5. Learned counsel for the petitioner states that there are revenue records in the name of the petitioner, but the revenue records created to benefit the petitioner cannot hide the fact that the land is actually an Odai for the past 100 years and the petitioner had actually encroached into the lands. Therefore, I am not inclined to grant any relief.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-



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Lm/Nsr

W.P(MD)No.21815 of 2021

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Revenue Officer,
Virudhunagar District, Virudhunagar.
 - 2.The Sub-Collector cum the Revenue Divisional Officer,
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Saminatham Panchayat,
Sivakasi Circle, Virudhunagar District.
 - 6.The Panchayat President,
Eenjar Village,
Saminatham Panchayat,
Sivakasi Circle, Virudhunagar District.
- +1 CC to M/s.K.P.SANAKRAKUMARAKURUPARAN, Advocate (SR-38054[F] dated 09/12/2021)
+1 CC to M/s.SPL GP (SR-38126[F] dated 10/12/2021)

**W. P (MD) No. 21815 of 2021
09.12.2021**

BUC (CO) /SB (21.12.2021) 3P 9C