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W.P.No.20039 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 28-10-2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.20039 of 2022

R.Perumal

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Petitioner

-VS-

- 1.The District Collector,
Office of Collectorate,
Namakkal.
- 2.The District Revenue Officer,
Office of Collectorate,
Namakkal.
- 3.The Revenue Divisional Officer,
Trichengode,
Trichengode Taluk,
Namakkal District.
- 4.The Tahsildar,
Office of Tahsildar,
Trichengode Taluk,
Namakkal District.
- 5.The Block Development Officer (Panchayat),
Office of Block Development,
Trichengode Taluk,
Namakkal District.



6.The President,
Mallasamudram Melmugam Village,
Mallasamudram Panchayat,
Trichengode Taluk,
Namakkal District.

7.Sivasankar

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents 1 to 6 herein to take appropriate action as against the seventh respondent, who made encroachment and destroyed the lake and stream situated in S.F.No.44, 47/2, 101, 101/10, 100/1, and 99/1 at Beemarapatty, Mallasamudram Melmugam Village, Trichengode Taluk, Namakkal District, respectively and to restore the said waterbodies in its original position by considering the petitioner's representations, dated 04.04.2022 and 18.04.2022.

For Petitioner : Mr.R.Marudhachalamurthy

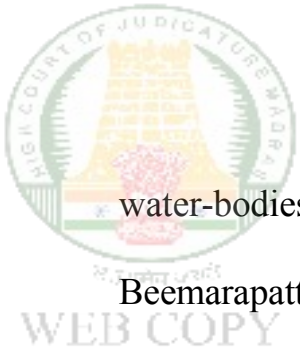
For Respondents 1 to 4 : Mr.A.Selvendran,
Special Government Pleader.

For Respondent 5 : Mrs.R.Anitha,
Special Government Pleader.

ORDER

(By D.Krishnakumar,J.)

Petitioner has filed this Writ Petition under the guise of Public Interest Litigation seeking for a direction to the respondents to remove the encroachments in the



water-bodies, namely, Odai in S.F.No.44, 47/2, 101, 101/10, 100/1, and 99/1 at Beemarapatty, Mallasamudram Melmugam Village, Trichengode Taluk, Namakkal District.

2. Petitioner has made an allegation against the seventh respondent that he has encroached the above said Odai and destroyed the stream, by converting it to cart track.

3. On instructions, the learned Special Government Pleader has filed a status report of the fourth respondent - Tahsildar, wherein, it is stated that the land mentioned by the petitioner in S.No.44 is Beemarapatti Eri and S.Nos.47/2, 101/10 and 100/1 are Odai and that the other lands in S.No.101 are all patta lands except S.No.101/10, which is classified as Odai. It is also stated that the Taluk Deputy Surveyor, in his report, dated 11.08.2022, stated that there is no encroachment in Mallasamudram West Village in Survey Nos.44, 47/2 and 100/1 as per his survey measurements and the writ petitioner has encroached the Survey No.99/1 to an extent of Acre 0.22 Cents of land by way of cultivating Coconut trees and Mulberry trees. In respect of Survey No.101/10, one Subramani has encroached the land to an extent of Acre 0.07 Cents by way of cultivating groundnut plants. During the rainy season, water flows through the said Odai and during non-rainy season, there is no water flow in the Odai. It is further stated that the respondent prepared Form-1 along with the Surveyor and directly served the same to Mallasamudram Block Development Officer on 12.08.2022, as the lake is under the



control of the Block Development Officer. It is also stated that the said Block Development Officer will take necessary action to remove the encroachment within a period of four weeks.

4. In the light of the aforesaid report submitted by the fourth respondent – Tahsildar, we direct the petitioner to vacate the Odai land immediately and further the writ petitioner undertakes to vacate the Odai land (water-bodies). Similarly, the fifth respondent is directed to remove the encroachment in S.No.101/10 as per Rules, after affording an opportunity to the encroacher, as early as possible, preferably within a period eight weeks from the date of receipt of a copy of this order, and restore the said Odai, to its original position.

5. With the above directions, this Writ Petition stands disposed of. No costs.

Index : Yes/No

(T.V.T.S.,J.)

Internet : Yes/No

Speaking / Non-speaking Order

(D.K.K.,J.)

28-10-2022

dixit

To

1.The District Collector,
Office of Collectorate,
Namakkal.



WEB.GOV

- 2.The District Revenue Officer,
Office of Collectorate,
Namakkal.
- 3.The Revenue Divisional Officer,
Trichengode,
Trichengode Taluk,
Namakkal District.
- 4.The Tahsildar,
Office of Tahsildar,
Trichengode Taluk,
Namakkal District.
- 5.The Block Development Officer (Panchayat),
Office of Block Development,
Trichengode Taluk,
Namakkal District.
- 6.The President,
Mallasamudram Melmugam Village,
Mallasamudram Panchayat,
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