



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.Nos.16984 of 2021
and
W.M.P.Nos.17992, 17995 of 2021 & 28358 of 2021

Shanthi

...Petitioner

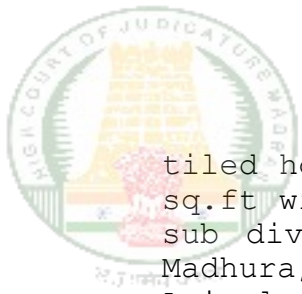
Vs.

- 1.The District Collector,
Ariyalur District,
Ariyalur.
- 2.The Revenue Divisional Officer,
Udaiyarpalayam,
Ariyalur District.
- 3.The Tahsildar,
Taluk office Jayankondam,
Ariyalur District.
- 4.The Block Development Officer,
Jayankondam,
Ariyalur District.
- 5.The Melanikuzhi Village Panchayat,
rep. by its President, Durai.Muthukumarasamy,
Melanikuzhi Village, Jayankondam Block,
Udaiyarpalayam Taluk,
Ariyalur District.

(R5 impleaded vide order dated 07.12.2021 made in
WMP No.27434 of 2021)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings in Na.Ka.No.A1-2133-2021 dated 06.08.2021 on the file of the second respondent herein and quash the same insofar as the lands relating to survey No.492/1 to an extent of 7013.06 sq.ft with



WEB COURT
tiled house in door No.55 (New Natham Survey No.577/11) and 7125 sq.ft with a shed in door No.567 (New Natham Survey No.577/7 and sub division of 577/7B) at Melanikuli Village, Paapakudi South Madhura, Udaiyarpalayam Taluk, Meenasurutti Sub-District, Ariyalur registration district which is the subject matter in O.S.No.168/2021 on the file of Sub-Court, Jayankondam, Ariyalur District.

For petitioner : Mr.V.Illanchezian
For respondents : Mr.K.V.Sajeew Kumar
Spl. Govt. Pleader (for R1 to R4)
Mr.C.Munusamy (for R5)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

This writ petition has been filed seeking for issuance of a Writ of Certiorari to quash the order of the second respondent in Na.Ka.No.A1-2133-2021 dated 06.08.2021.

2.The learned counsel appearing for the petitioner Mr.V.Illanchezian would submit that the petitioner is the owner of the property to an extent of 7013.06 sq.ft by virtue of a registered sale deed dated 29.04.2011. Her son Ganesh purchased another property to an extent of 7125 sq.ft through a registered sale deed dated 30.10.2019. Both the lands are house sites and the Manaivari pattas have been issued in their favour. The learned counsel further submitted that there is a difference of the extent of the land between the sale deed and the FMB sketch, hence, she instituted a suit O.S.No.168 of 2021 seeking declaration and when the said suit is pending, this impugned notice has been issued to measure the property. It is also stated that the petitioner herself filed an application for appointment of an Advocate Commissioner to measure the property.

3.Per contra, the learned Special Government Pleader appearing for the respondents 1 to 4 Mr.K.V.Sajeew Kumar would argue that the impugned notice is an internal communication between the Revenue Divisional Officer and the Tahsildar, wherein, the Tahsildar was directed to conduct survey to find out any encroachment in the water-bodies. It is further stated that after survey, if it is found that the petitioner has encroached upon the water-bodies, it will be removed in accordance with law.

4.Mr.C.Munusamy, learned counsel appearing for the fifth respondent Panchayat would submit that the Panchayat has already passed a resolution to remove the encroachment in the water-



bodies and also filed a writ petition W.P.No.17202 of 2021, in which, the Division Bench of this Court had directed the authorities to take action in accordance with law.

5.We have carefully considered the rival submissions of the learned counsels appearing on either side and perused the materials available on record.

6.A perusal of the records indicates that the petitioner challenges the letter issued by the Revenue Divisional Officer, Udaiyarpalayam to the Tahsildar for conducting survey to find out any encroachments made in Chettikulam and Eswaran Kulam. In the letter, it has been clearly stated that if any encroachment is found, the Block Development Officer, Jayankondam shall initiate proceedings to remove the encroachment within a period of 15 days.

7.As rightly pointed out by the learned Special Government Pleader, this impugned order is only an internal communication between the official respondents. It is relevant to note that in the earlier writ petition W.P.No.17202 of 2021, this Court issued a following direction:-

"5.In view of the above, the second respondent is directed to make inspection of the said water bodies after giving opportunity to the petitioner, private respondents and other persons who are interested and find out as to whether the said water bodies have been encroached upon and if it is so, directed to take appropriate action as per law within a period of twelve weeks from the date of receipt of a copy of this order."

8.In the light of the above facts and circumstances, we find no merit in the writ petition. As per the direction issued in the earlier writ petition, the Tahsildar shall conduct joint inspection and if he finds any encroachment in the water-bodies, the same shall be removed by following due process of law.

9.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



skn

To

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Revenue Divisional Officer,
Udaiyarpalayam,
Ariyalur District.

3.The Tahsildar,
Taluk office Jayankondam,
Ariyalur District.

4.The Block Development Officer,
Jayankondam,
Ariyalur District.

5.The Melanikuzhi Village Panchayat,
rep. by its President, Durai.Muthukumarasamy,
Melanikuzhi Village, Jayamkondam Block,
Udayarpalayam Taluk,
Ariyalur District.

+1 cc to Government Pleader Sr.NO. 1137

W.P.Nos.16984 of 2021
and

W.M.P.Nos.17992, 17995 of 2021 & 28358 of 2021

PMK(CO)

A.SK(04.02.2022)