



WEB COPY



W.P.No.24382 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24382 of 2022

Tamizhazhagan
S/o Kathirkaman

.. Petitioner

v.

1. The District Collector
Cuddalore District
Cuddalore
2. The Revenue Tahsildar
Thittagudi Taluk Office
Cuddalore District
3. The Executive Officer
Pennadam Town Panchayat
Pennadam
Cuddalore District

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the



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representation of the petitioner dated 29.07.2022 in accordance with law by removing the encroachment into the Pond (Mukulam) bearing Survey No.93 for an extent of 2.47.5 Hectares situated at Pennadam Village, Thittagudi Taluk, Cuddalore District to secure the ends of justice.

For Petitioner :: Mr.J.Jayasuriya

For Respondents :: Mrs.R.Anitha
Special Government Pleader
for R1 & R2
Mr.P.Muthukumar
State Government Pleader for R3

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.Tamizhazhagan, S/o Kathirkaman, a resident of Sozhan Nagar, Pennadam, Thittagudi Taluk, Cuddalore District, has filed this writ petition under Article 226 of the Constitution of India, seeking for issuance of a mandamus to the respondents to consider his representation dated 29.07.2022 in accordance with law, by removing the encroachment into the Pond (Mukulam) bearing Survey No.93 for an extent of 2.47.5 Hectares situated at Pennadam Village, Thittagudi Taluk, Cuddalore District.



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2. Heard the learned counsel appearing for the parties.

3. The petitioner, being the ex-M.L.A., of Thittagudi Constituency, has filed this writ petition stating that there is a pond (kulam) in the Pennadam Village spread over 6 acres, which is used for storage of drinking water for public use and animals. But now the area of the pond has been reduced to 1 acre only, as the remaining part of the pond has been fully encroached by the encroachers and they are putting up buildings and cultivating sugarcane crops. During the rainy season, although the pond easily gets filled up, the groundwater level, however, gets depleted due to the shrinkage of the pond from 6 acres to 1 acre. Therefore, the petitioner has been making representations to the respondents and finally, the Revenue Tahsildar, Thittagudi, the second respondent herein also convened a peace meeting on 07.07.2022, in which a decision was taken to survey the pond (mukkulam) and for taking further action. So far, no action has been taken. But the third respondent, without removing the encroachments over the pond, has chosen to call for tenders for drilling work. Therefore, the



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petitioner has requested the third respondent to postpone the tender drilling work. As no response is forthcoming, he has been advised to come to this Court.

4. Mrs.R.Anitha, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.P.Muthukumar, learned State Government Pleader appearing for the third respondent have stated that after issuance of notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the encroachers have also been issued with the notices under Section 6 of the said Act. After completion of the legal formalities and after removal of all the encroachments, the pond will be desilted and will be put back to its original position. Therefore, for undertaking such an exercise, they sought for six weeks time.

5. In view thereof, placing on record their joint statement, we grant six weeks time to the respondents to remove the encroachments made over the pond (mukkulam) situated in the place in question and restore the same to



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its original position. With this observation, the writ petition stands disposed of accordingly. Consequently, W.M.P.No.23388 of 2022 is closed. There shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

01.11.2022

SS

To

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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

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