



W.P.No.30798 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.30798 of 2022

J.Shankar

...Petitioner

Vs.

1.The District Collector,
Cuddalore,
Cuddalore District – 607 001.

2.The Tahsildar,
Vridhachalam Taluk Office,
Vridhachalam Taluk,
Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent namely the District Collector, Cuddalore, Cuddalore District, to inspect the Mulla Pond and rebuild the dilapidated the house of the petitioner and issue a Patta in the name of the petitioner for the house property to the extent of 2 Cents situated in Block No.68, D.No.222/67, 15 Cuddalore Main Road, Virdhachalam, Cuddalore District – 606 001.

For Petitioner : Ms.T.Nithya

For Respondents : Mr.U.Bharanidharan



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Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st respondent namely the District Collector, Cuddalore, Cuddalore District, to inspect the Mulla Pond and rebuild the dilapidated the house of the petitioner and issue a Patta in the name of the petitioner for the house property to the extent of 2 Cents situated in Block No.68, D.No.222/67, 15 Cuddalore Main Road, Virudhachalam, Cuddalore District – 606 001.

2.The case of the petitioner is that his ancestor migrated to Virudhachalam for their survival and put a thatched house, in which the petitioner and his family was residing for about 73 years in Block No.68, D.No.222/67, 15, Cuddalore Main Road, Virudhachalam Taluk, . In the meantime, the 2nd respondent demolished the petitioner's house for alleged encroachment made upon the water body namely Mulla Pond comprising in S.No.204, measuring to an extent of 4 Acres, no notice for demolition was served on the petitioner. While so, one Thadayam Babu filed a Writ Petition in W.P.No.31168 of 2017, seeking a direction to the



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respondents to remove the encroachments in water bodies and catchment area namely water channel at Aladi Road and Mulla Lake, Cuddalore Road, Virudhachalam and this Court vide its order dated 30.11.2021, directed the 3rd respondent therein to act on the memo dated 25.10.2017 in O.Mu.A4/3082/2017 of the 2nd respondent and a contempt Petition was filed in Cont.P.No.1635 of 2021, since the residential house comprising in S.No.201, 201/1, 201/2, 201/4, 204/1, 205, 205/1, 205/1A, 205/3 situated at Indra Nagar Virudhachalam were being demolished. It is pertinent to note that a national highways road is laid and a Government office is also built in the said Mulla Pond. Thereafter, the petitioner sent a representation to the 1st respondent on 14.10.2022, requesting to inspect the said Mulla Pond and rebuild the dilapidated house and also to issue a patta for the same. Till date the same was not considered and hence, the petitioner has come forward with the present Writ Petition.

3.The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 14.10.2022, and pass orders on the same



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within a particular time frame fixed by this Court.

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4.Mr.U.Bharanidharan, the learned Additional Government Pleader appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 14.10.2022 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.This Writ Petition is accordingly is disposed of. No costs.

18.11.2022

Index: Yes/No

Internet: Yes/No

gba

To

1.The District Collector,
Cuddalore,
Cuddalore District – 607 001.



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2. The Tahsildar,
Vridhachalam Taluk Office,
Vridhachalam Taluk, Cuddalore District.



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M.DHANDAPANI, J.

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