



W.P.No.32348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32348 of 2022

M.Thavamani

...Petitioner

Vs.

1. The District Collector,
Cuddalore,
Cuddalore District.
2. The Tahsildhar,
Thittakudi Taluk,
Cuddalore District.
3. The Block Development Officer,
Nallur Town,
Cuddalore District.
4. Ms.Pazhaniammal

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing 4th respondent to consider the petitioner representation dated 16.11.2022 not to dispossess the petitioner forcibly from the property in Survey No.18/1 of Arugeri Village, Thittakudi Taluk, Cuddalore District without following due process of law

For Petitioner : Mr.K.Kumar

For Respondents : Mr.U.Baranidharan, AGP, for R1 & R2



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: Mr.Azizulla Khan, GA, for R3
: Mr.J.Ramkumar, for R4

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 4th respondent to consider the petitioner's representation dated 16.11.2022 and not to dispossess the petitioner forcibly from the subject property without following due process of law.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice for the 1st and 2nd respondents and Mr.Azizulla Khan, learned Government Advocate takes notice for the R3. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that she is in possession of the property comprised in S.No.18/1 situated at Arugeri Village, Cuddalore District for the past several years and she is doing cultivation in the said property along with various other agriculturalists of the said village. While so, the 4th respondent had put up a board stating that the subject property belongs to



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Arugeri Panchayat and no encroachments should be made by the individuals in the said property and thereby, prevented the petitioner and other agriculturalists from doing agricultural activities in the said property. Aggrieved by the same, the petitioner made a representation dated 16.11.2022 before the respondents, seeking not to dispossess the petitioner from the subject property, however, till date, no order has been passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 16.11.2022 and thereby, not to dispossess the petitioner from the subject property without following due process of law.

5. Learned Additional Government Pleader appearing for the 1st and 2nd respondents submitted that, the subject property comprised in S.No.18/1 situated at Arugeri Village is classified as Eri, however, the petitioner is trying to encroach the said Eri, which is not sustainable. Further, this Court in catena of decisions issued direction to the officials to



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clear the encumbrances made in the water bodies, accordingly, in order to prevent the water bodies from illegal encroachments, the said notice/board has been put up, which cannot be found fault with. However, he fairly submitted that, the petitioner's possession over the subject land will not be disturbed without following the due process of law and accordingly, he prayed for dismissal of this Writ petition.

6. On the above said contentions, heard the respective learned counsel appearing for the respondents 3 & 4 and perused the materials available on record.

7. Admittedly, the subject land in S.No.18/1, which is classified as Eri is of a vast extent and the petitioner herein and the other agriculturalists in the said village are in occupation of the same for the past several years and doing cultivation in the said land. However, it is pertinent to note that, the subject land is a water body and the petitioner is one of the encroacher, who encroached the said water body, which will affect the environmental balance. Further, as rightly pointed out by the learned Additional Government Pleader, in catena of decisions, this Court as well as the Hon'ble



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Apex Court issued directions to the Government to maintain the water bodies as it is without any change in its characteristics and without any encroachments. Hence, this Court is of the view that, no affirmative direction can be issued in favour of the petitioner and the prayer sought for in this petition cannot be acceded to, as it is the duty of the revenue officials to safeguard the water bodies and maintain them without any encroachments.

8. For the reasons aforesaid, this Writ petition stands dismissed. No costs.

01.12.2022

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The District Collector,
Cuddalore,
Cuddalore District.

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M.DHANDAPANI, J.

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