



W.P.(MD) No.13576 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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K.Natturaja

... Petitioner

-VS-

1. The District Collector,
Madurai District, Collectorate,
Madurai District.
2. The Revenue Divisional Officer,
Usilampatti, Madurai District.
3. The District Revenue Officer,
Madurai District, Madurai.
4. The Executive Engineer,
Public Works Department, Thallakulam,
Madurai District.
5. The Assistant Engineer,
Public Works Department, Thallakulam,
Madurai District.



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6. The Tahsildar,
Taluk Office, Usilampatti,
Madurai District.

7. Markandan

8. Bose

9. Palchamy

10. Vijayalakhmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment put up by the respondents 7 to 10 in Government P.W.D Odai, Poramboke land comprised in Survey No.30 of Valangakulam, Thidiyan Village and Post, Chellampatti Union, Usilampatti Taluk, Madurai District, by taking appropriate action as against the respondents 7 to 10, on the basis of the petitioner's representations dated 09.09.2016 and 20.04.2017.

For Petitioner : Mr.N.Palanisamy

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R6
Mr.T.K.Gopalan
for R7
No appearance for R8 to R10



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ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the respondents 7 to 10 in the Odai and poramboke land comprised in Survey No.30 of Valangakulam, Thidiyan Village, Chellampatti Union, Usilampatti Taluk, Madurai District, by taking appropriate action against the respondents 7 to 10, based on the petitioner's representations dated 09.09.2016 and 20.04.2017.

2. Heard Mr.N.Palanisamy, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader, appearing for the respondents 1 to 6 and Mr.T.K.Gopalan, learned counsel appearing for the seventh respondent.

3. Pointing out that the respondents 7 to 10, have made the aforesaid encroachments and also growing the trees in the Odai poramboke land in Survey No.30, Valangakulam, Thidiyan Village,



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Chellampatti Union, Usilampatti Taluk, Madurai District, thereby blocked the water flow from the Odai to the harvesting fields of the villagers, the petitioner submitted a representation to the first respondent on 20.04.2017 and the same, according to learned counsel for the petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 6, to consider and dispose of his representation dated 20.04.2017, in accordance with law, within a time frame, for which, the learned Special Government Pleader appearing for the respondents 1 to 6 is agreeable.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 6, to consider the representation of the petitioner dated 20.04.2017, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity of hearing to the petitioner, respondents 7 to 10 and all other parties concerned and also by following due process of law, within a period of twelve weeks from the



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date of receipt of a copy of this order.

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5. As regards to the trees standing in the lands in question, the respondents 1 to 6 are directed to take possession of the same and maintain it. No costs.

[R.M.D., J.] [J.S.N.P., J.]
23.11.2022

Index : Yes / No
Internet : Yes / No
pkn
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