



W.P.(MD)No.11183 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.10.2022

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.11183 of 2021

A.Rajendran

... Petitioner

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Sub Collector/ Revenue,
Divisional Officer, Pattukottai,
Thanjavur District.

3. The Tahsildar,
Peravoorani Taluk, Thanjavur,
Thanjavur District.

4. The Block Development Officer,
Peravoorani Taluk, Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to take steps over the letter dated 01.02.2021 vide Na.Ka.No.1564/2019/Aa3 to remove the encroachment which were left over around 7 acres and 10 cents due to partial



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and arbitrary act of in charge officials in Neisothukulam situated at Survey No. 256/2 at Maavadukurichi East Village, Peravurani Taluk, Thanjavur District and for executing the work of revive and repair the pond.

For Petitioner : Dr.Ramesh Mahadev

For Respondents : Mr.S.P.Maharajan
Spl.Government Pleader
for R1 to R4

ORDER

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

The petitioner has sought for a Mandamus to remove the encroachment made in Survey No. 256/2, Maavadukurichi East Village, Peravurani Taluk, Thanjavur District and to revive and repair the pond, as per the letter of the Block Development Officer, Peravurani in Na.Ka.No. 1564/2019/Aa3, dated 01.02.2021.

2. Heard Dr.Ramesh Mahadev, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, appearing for the respondents 1 to 4.

3. Learned counsel for the petitioner submitted that regarding the encroachment in the place in question, the petitioner has obtained information



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under the RTI Act *vide* letter Na.Ka.No.1564/2019/Aa3, dated 01.02.2021, wherein, it is stated that the Block Development Officer, Peravurani, has been advised to remove the encroachments in the Neisothukulam. According to the learned counsel for the petitioner, till date, the Block Development Officer has not taken any steps to remove the aforesaid encroachments. Though a copy of the said letter in Na.Ka.No.1564/2019/Aa3, dated 01.02.2021, has been addressed to the Panchayat President, Maavadukurichi, till date, the encroachments have not been removed. Hence, this writ petition.

4. The learned Special Government Pleader submitted that the authorities concerned will remove the encroachments pointed out in the letter in Na.Ka.No.1564/2019/Aa3, dated 01.02.2021, of the Block Development Officer, within a time frame.

5. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned, to survey the waterbody in question in the presence of the petitioner and all other parties concerned and if there is any encroachment as claimed by the petitioner, necessary action shall be taken for removal of the same, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise



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shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.10.2022

Internet : Yes / No
Index : Yes / No
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To

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