



W.P.(MD) No.14077 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

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

**W.P.(MD) No.14077 of 2019
and
W.M.P.(MD) No.10556 of 2019**

B.Ananthakumar

... Petitioner

-VS-

1.The District Collector
Office of the District Collector
Dindigul District, Dindigul

2.The Superintendent of Police
Office of the Superintendent of Police
Dindigul District

3.The Tahsildar
Office of the Taluk Office
Athoor, Dindigul District

4.The Executive Officer
Chinnalampatti Town Panchayat
Chinnalampatti, Dindigul District

5.A.Krishnan

... Respondents



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WEB PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 herein to take action against the fifth respondent to remove the encroachment made by him on the Udai Kulam water body, situated in S.No.131/6B, situated at Keelankottai Revenue Village, Aathoor Taluk, Dindigul District, on the basis of the petitioner's representation dated 06.06.2019 and to pass orders within a stipulated time.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1 to R3
Mr.M.Karuppasamy for R4
Mr.D.Venkatesh for R5

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to take action against the fifth respondent to remove the encroachment made by him in Udai Kulam, situated in Survey No.131/6B of Keelankottai Revenue Village, Aathoor Taluk, Dindigul District, on the basis of the petitioner's representation dated 06.06.2019, within a stipulated time.



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2. According to the petitioner, the water body *viz.*, Udai Kulam, situated in Survey No.131, admeasuring to an extent of 3 Acres 84 Cents, is the only water source for the residents of Keelakottai Village. During 1972, 22 sub-divisions were taken place in the said survey number illegally and pattas were also granted to several individuals and the fifth respondent was granted patta for Survey No.131/6B. Taking advantage of such illegal activities, the fifth respondent started construction works of a commercial complex in the subject water body, without any prior approval. Though the authorities concerned directed the fifth respondent not to proceed further with the construction works, the fifth respondent did not even consider the direction of the authorities concerned. Therefore, in order to remove the encroachments made by the fifth respondent and to restore the subject water body to its original position, the petitioner made a representation on 06.06.2019 to the respondents 1 to 4, however, till date, no action has been taken by them. Hence, this writ petition.

3. The learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that based on the petitioner's representation dated 06.06.2019, the construction activities have been stalled and the



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authorities concerned would remove the encroachments, as alleged by the petitioner, within a period of four weeks.

4. The above submission of the learned Government Pleader has not been refuted by the learned counsel for the petitioner.

5. In view of the above submission of the learned Government Pleader appearing for the respondents 1 to 3, the authority concerned is directed to remove the encroachments completely, in the manner known to law, within a period of four (4) weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to all the parties concerned and by following due process of law.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

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Index : Yes / No
Internet : Yes / No

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