



W.P.(MD)No.14695 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

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... Petitioner

Vs.

- 1.The District Collector,
Madurai, Madurai-625 020.
- 2.The Revenue Divisional Officer,
TVS Sri Chakra near, Vellaripatti, Melur,
Madurai – 625 122.
- 3.The Tahsildar,
East Taluk Office, Madurai East,
Narasingam, Madurai District.
- 4.The Block Development Officer,
Madurai East Village Panchayat Union,
Race Course Road, Madurai – 625 002.
- 5.Swaminathan
- 6.Arumugam
- 7.Senthil
- 8.Karuppanan
- 9.Nallapillai
- 10.Veerulakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents No. 1 to 4 to remove the encroachment made by the respondents No.5 to 10 and others in



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Perumal Kulam Kanmai which is situated in Survey No.65/1, Appanthirupathi Village, Madurai East Taluk, Madurai District and preserve the Perumal Kulam Kanmai for the agricultural use based on the petitioner's representation, dated 21.04.2022 within a stipulated time that may be fixed by this Court.

For Petitioner :Mr.R.Karunanidhi
For R1 to R3 :Mr.N.Satheesh Kumar
Additional Government Pleader
For R4 :Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents No. 1 to 4 to remove the encroachment made by the respondents No.5 to 10 and others in Perumal Kulam Kanmai, which is situated in Survey No.65/1, Appanthirupathi Village, Madurai East Taluk, Madurai District and preserve the Perumal Kulam Kanmai for the agricultural use based on the petitioner's representation, dated 21.04.2022 within a stipulated time that may be fixed by this Court.

2.Heard Mr.R.Karunanidhi, learned Counsel for the petitioner,



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Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of R1 to R3 and Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice on behalf of fourth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned Counsel for the petitioner states that the petitioner is a resident of Kodikulam Village, Madurai East Taluk, Madurai and a water body, which is known as Perumal Kulam Kanmai, situated in S.No.65/1 in Appanthirupathi, Madurai East Taluk, Madurai, is encroached by the respondents 5 to 10 and others. Since the encroachment is against the public in general, the petitioner has approached this Court.

4.The learned Additional Government Pleader appearing for respondents 1 to 3, on instructions, submits that out of the total extent of 5.86 acres, which is classified as Kanmai, an extent of 27 cents have been encroached by ten persons including respondents 5 to 10.

5.Since the entire encroachment is in the water body and it is admitted that the water body is under the control of the Revenue Department, the revenue officials, particularly, the Tahsildar, is directed



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to remove the encroachment in the water body known as Perumal Kulam Kanmai in S.No.65/1, Appanthirupathi, Madurai East Taluk, Madurai, after issuing a show cause notice to the encroachers and pass final orders under Section 6 of the Tamil Nadu Land Encroachment Act, after considering the objections/representations from any of the encroachers. The entire exercise shall be completed by the official respondents within a period of twelve weeks from the date of receipt of a copy of this order.

6.with the above directions, this Writ Petition is disposed of. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
08.07.2022

Index : Yes / No

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