



W.P.(MD)No.14705 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

CORAM

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

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P.Ravichandran

... Petitioner

Vs.

1.State represented by
The District Collector,
Thanjavur District, Thanjavur.

2.The Tahsildar,
Office of the Tahsildar,
Orathanadu Taluk, Thanjavur District.

3.The Executive Engineer,
Public Works Department/Water Resource
Organization, Kallanai Canal Division,
Edaiyathi, Orathanadu Taluk, Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to conduct survey and remove the encroachment in the Odai Poramboke in S.Nos.167, 204, 214B and 222 situated at Chinnapponnappur, Orathanadu Taluk, Thanjavur District and S.Nos.152 and 153 situated at Panayakottai, Orathanadu Taluk, Thanjavur District, based on the petitioner's representation, dated 28.06.2022 enabling the public to use the same without any hindrance within a time frame to be fixed by this Court.



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For Petitioner :Mr.S.Vinayak

For R1 to R3 :Mr.J.Ashok, Additional Government Pleader

ORDER

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

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to conduct survey and remove the encroachment in the Odai Poramboke in S.Nos.167, 204, 214B and 222 situated at Chinnapponnappur, Orathanadu Taluk, Thanjavur District and S.Nos.152 and 153 situated at Panayakottai, Orathanadu Taluk, Thanjavur District, based on the petitioner's representation, dated 28.06.2022 enabling the public to use the same without any hindrance within a time frame to be fixed by this Court.

2.Heard Mr.S.Vinayak, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner has submitted a representation, dated



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20.06.2022 to the District Collector with a copy marked to the Executive Engineer of PWD and the Tahsildar for removal encroachment in the aforementioned survey fields.

4.This Court has already passed orders that the respondents shall take appropriate action under the relevant statues depends upon the character of land and the applicability of the relevant statues, which empowers the concerned authorities to take action for removal of encroachment.

5.Though the Writ Petition is filed for issuing a positive direction, the learned Counsel for the petitioner states that the petitioner will be satisfied, if a direction is issued to the respondents to consider the petitioner's representation and pass final final orders and initiate appropriate action in accordance with law within a stipulated time frame to be fixed by this Court.

6.Considering the limited scope of prayer that is now sought for by the learned Counsel for the petitioner, without expressing any opinion on the petitioner's contention in the affidavit filed in support of this Writ Petition or in the representation, this Court directs the second respondent to consider the petitioner's representation and conduct a



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survey after issuing notice to the petitioner and other interested persons, who are found to be encroachers, and after identifying the nature and character of land and the manner and extent of encroachment by conducting survey in the presence of encroachers or with due notice to them, it is open to the Tahsildar either to take action by himself or send a report to the concerned authority for taking action under the relevant statutes. The entire exercise shall be completed within period twelve weeks from the date of receipt of a copy of this order.

7. 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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To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The Tahsildar,
Office of the Tahsildar,
Orathanadu Taluk, Thanjavur District.
3. The Executive Engineer,
Public Works Department/Water Resource
Organization, Kallanai Canal Division,
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