



W.P.(MD) No.15857 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.15857 of 2020

and

W.M.P.(MD)No.13286 of 2020

Venugopal

... Petitioner

-Vs-

- 1.The District Collector,
District Collector's Office,
Ramanathapuram District,
Ramanathapuram.
- 2.The Divisional Revenue Officer,
Deputy Revenue Office,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram.
- 4.The Tahsildar,
Tahsildar Office, Thiruvadanai Taluk,
Ramanathapuram District.

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5.V.Raman

6.Elavarasi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents:

(i) to cancel the patta issued in favour of the respondents 5 and 6 herein and in respect of the land in S.Nos.186/7, 8, 273, 274, 275 and remove the encroachment from the part of tank in Paramanivayal Village Kanmoi and also to initiate an appropriate action against the respondents 5 and 6 for taking the sand of more than 1000 units from the Paramanivayal Village tank and re-transfer the said sand to the petition tank;

(ii)to remove the Pannaikuttais created by the respondents 5 and 6 by encroaching the part of the petition tank;

(iii)to remove all encroachments through proper survey made on both the sides of water course poramboke, channels and canals bearing in S.Nos.180, 193, 184 and 223 situated at Paramanivayal Village through proper survey and further ensure that there should not be any encroachment either on the water course poramboke, channels and canals and the petition tank bearing in S.Nos. 186/6, 7, 8, 9, 10, 11, 12, 13, 15(A), 15(B), 16, 17, 18, 19, 20 etc. in an extent of 30 to 35 acres approximately;

(iv)and to restore the original status of the petition tank and save the Paramanivayal Village poor people.

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For Petitioner : Mr.V.R.Venkatesan
For R1 to R4 : Mr.S.P.Maharajan,
Special Government Pleader
For R5 & R6 : No Appearance

ORDER

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

The petitioner claims that the respondents 5 and 6 made encroachment in the water body in question. In this regard, he has made several representations to the official respondents, lastly on 27.08.2019. Finding inaction on the part of the official respondents, he has filed this Writ Petition.

2.Today, when the matter was taken up for hearing, the learned Special Government Pleader for the respondents 1 to 4 submitted that the representation of the petitioner dated 27.08.2019 would be considered on merits and appropriate action would be taken for removal of the encroachments, if any in the water body in question by following due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.

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3.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 27.08.2019 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same shall be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

10.11.2022

Index : Yes / No

Internet : Yes / No

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