



W.P(MD)No.16100 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

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

W.P(MD)No.16100 of 2019

M.Atheeswaran

... Petitioner

vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Revenue Officer,
Dindigul District,
Dindigul.
3. The Revenue Divisional Officer,
Dindigul District,
Dindigul.
4. The Thasildhar,
Attur Taluk,
Dindigul.
5. The Assistant Executive Engineer,
Public Works Department,
Irrigation Division,
Athur Taluk,

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WEB CO Dindigul.

6. M/s.Dream City Real Estate,
Rep by its Managing Partner,
Mr.Saravanan,
No.74/78, First Floor,
R.M Colony,
Dindigul-624 001.

7. A.M.Kumaran ... Respondents
(R7 impleaded vide order dated 26.08.2019 made in WMP(MD)No.
14631 of 2019)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in the water body of irrigation tank comprised in Old Survey Nos.56/1, 56/2 and 56/3A new S.Nos.79/1, 79/2, 79/2A and 79/3 to the extent of 7.5 acres of Bommulu Goundan Kulam (a) Muthan Chetti Kulam, Ambathurai Village, Athur Taluk, Dindigul District.

For Petitioner	: Mr.A.Chandrakumar
For R1 to R5	: Mr.N.GA.Nataraj Government Advocate
For R6 & R7	: No appearance



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ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in the water body of irrigation tank comprised in Old Survey Nos.56/1, 56/2 and 56/3A new S.Nos.79/1, 79/2, 79/2A and 79/3 to an extent of 7.5 acres of Bommulu Goundan Kulam (a) Muthan Chetti Kulam, Ambathurai Village, Athur Taluk, Dindigul District.

2. Learned counsel for the petitioner submitted that the petitioner is a resident of the aforesaid village and the 6th respondent encroached the entire water body in the aforesaid survey numbers and converted the same as house plots for sale in the name and style of "Dream City" without heeding to the requests of the petitioner and the villagers not to encroach upon the water body. Therefore, the villagers submitted a representation dated 25.02.2019 to the 1st respondent and finding inaction thereon, the petitioner made a

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representation dated 27.03.2019 to the respondents 1 to 5 and pursuant thereto, the 2nd respondent by a communication in Na.Ka.No. 268/2018/Aa, dated 13.05.2019, directed the respondents 3 and 4 to take necessary action on the petitioner's representation and file a report. According to the learned counsel, till date, the said communication is not acted upon and the encroachment made by the 6th respondent is not removed. Hence, this writ petition.

3. Learned Government Advocate appearing for the respondents 1 to 5 submitted that the 4th respondent will consider and dispose of the petitioner's representation dated 27.03.2019 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

4. Recording the above submissions, the 4th respondent is directed to consider and dispose of the representation of the petitioner



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dated 27.03.2019 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of.

No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
18.11.2022

Index : Yes / No
Internet : Yes
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To

1. The District Collector,
District Collectorate,
Trichy District.

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2. The Revenue Divisional Officer,
Lalkudi,
Trichy District.
3. The Thasildar,
Lalkudi,
Trichy District.
4. The Block Development Officer,
Pullambadi,
Lalkudi Taluk,
Trichy District.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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DATED : 18.11.2022