



W.P.(MD).No.22263 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22263 of 2022

S.Sankar

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the second respondent to dispose the petition in Na.Ka.C2/3230/2017, dated 19.07.2018 pending on the file of the second respondent within a



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stipulated time as fixed by this Court, based on the representation, dated 29.08.2022.

For Petitioner : Mr.S.Muthupandi

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to dispose the petition in Na.Ka.C2/3230/2017, dated 19.07.2018, pending on the file of the second respondent, based on the representation of the petitioner, dated 29.08.2022.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that Aadhanoor Kanmoi is a huge water body of Manamadurai Taluk and Arasanenthall Group S.Nos.80 to 103 and Manamadurai Group S.Nos.260, 261, 264, 266 and 268 are



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Kanmoi and water channel in the Revenue Records. But some people encroached the said water body and constructed a small house and they have also obtained Patta in their favour. Hence, the Sivagangai District Tamil Nadu Vivasagal Sangam submitted a representation to the first respondent to cancel the Patta. The said representation was forwarded to the fourth respondent to take action. The fourth respondent enquired the same and submitted a report to the first respondent dated 27.08.2014, stating that the said survey numbers are registered as Kanmoi in revenue records, but now Patta land in UDR Scheme. Thereafter, the first respondent sent a memorandum dated 29.09.2020 to the third respondent to submit a detailed report. Accordingly, the third respondent verified the revenue records and submitted that the second respondent is the competent authority to complete the investigation. Now, the proceedings in Na.Ka.C2/3230/2017, dated 19.07.2018 is pending before the second respondent. Hence, the petitioner has made a representation to the respondents seeking to dispose of the petition dated 19.07.2018. But till date no action has been taken to dispose of the appeal.



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4. Heard Mr.S.Muthupandi, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents.

5. Considering the facts of the case, whether the said lands are being encroached, which has been classified as Kanmoi has to be verified by the authorities concerned and if so, they have to file appropriate report before the first respondent, who will take action on the said report immediately after receipt of the same, after affording an opportunity to all the parties concerned. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No

akv

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WEB COPY To

- 1.The General Manager,
Aavin Co-operative Limited,
Dindigul.
- 2.The Manager (Sales),
Aavin Co-operative Limited,
Dindigul.



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V.BHAVANI SUBBAROYAN,J.

akv

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