



W.P.(MD) No.24383 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

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

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M.Viswanath

... Petitioner

-VS-

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer,
Thanjavur.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.
- 4.The Tahsildar,
Pattukkottai Taluk,
Pattukkottai,
Thanjavur District.



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5. The Block Development Officer,
Madukkur Panchayat,
Madukkur,
Thanjavur District.

6. M.C. Ramamoorthi

7. Vaithiyanathan

8. Chinnathambi

9. Alamelu Mangai

10. Selvamani

11. Valarmathi

12. Malathi

13. Vaideki

14. Malarvizhi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 5 to remove the encroachment made by the respondent Nos.6 to 14 and to preserve and strengthen the pond of Adaikalamkathan Kulam comprised in survey No.78/16 for an extent of 0.94.50 Ares, (2 Acres, 34 cents) situated at Mannangadu Village, Pattukkottai Taluk, Thanjavur District within the stipulated time as fixed by this Hon'ble Court.



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For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader for R1 to R5

Mr.J.Anandakumar for R6 to R14

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 5 to remove the encroachment made by the respondent Nos.6 to 14 and to preserve and strengthen the pond of Adaikalamkathan Kulam comprised in survey No.78/16, for an extent of 0.94.50 Ares, (2 Acres, 34 cents) situated at Mannangadu Village, Pattukkottai Taluk, Thanjavur District within the stipulated time as fixed by this Hon'ble Court.

2. It is the claim of the petitioner that the respondents 6 to 14 have made the aforesaid encroachment in the place in question and in this regard, though the



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petitioner made a representation on 04.12.2019 to the respondents 1 to 5 seeking to remove the aforesaid encroachment, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the representation of the petitioner dated 04.12.2019 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question by due process of law within a time frame, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities to consider and dispose of the representation of the petitioner dated 04.12.2019, on merits and in accordance with law, after perusing the documents filed by the petitioner and the respondents 6 to 14. If there is any encroachment in the place in question, the authorities shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due



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process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
24.11.2022

vsm

TO:

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer,
Thanjavur.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
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- 5.The Block Development Officer,
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