



W.P.(MD)No.24634 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2022

CORAM

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

W.P(MD)No.24634 of 2022

Vellaisamy

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Thasildar,
Ramanathapuram Taluk,
Ramanathapuram District.
- 3.The President,
Pudumadam Village Panchayat,
Ramanathapuram District.
- 4.Chinnakannu
- 5.Paramanantham

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents 1 to 3 to remove the unauthorized construction made by the respondents 4 and 5 by encroaching the Water Body namely Maavudi Oorani at Pudumadam Village, Ramanathapuram District



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in S.No.146/1 to the extent of 1.15.5 Ares (about 2.5 Acres) by considering the representation of the petitioner dated 27.01.2021.

For Petitioner : Mr.R.Gowrishankar
For Respondents 1 & 2 : Mr.P.Thilak Kumar
Government Pleader
For 3rd Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 3 to remove the unauthorized construction made by the respondents 4 and 5 by encroaching the Water Body namely Maavudi Oorani at Pudumadam Village, Ramanathapuram District in S.No.146/1 to the extent of 1.15.5 Ares (about 2.5 Acres) by considering his representation dated 27.01.2021.

2. Heard Mr.R.Gowrishankar, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 & 2 and



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Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 & 5 is dispensed with.

4. Alleging that the respondents 4 & 5, who are father and son, have made encroachment in the “Maavudi Oorani” and “Vandi Pathai” in S.No.146/1, Pudumadam Village, Ramanathapuram District, to an extent of 1.15.5 Ares (about 2.5 Acres) and though they were allotted an alternative site in S.No. 30/44 and issued with patta No.1555, they have not removed the aforesaid encroachment, the petitioner submitted a representation to the official respondents on 27.01.2021, and in response to the same, though the first respondent vide proceedings in O.Mu.Pi. 3/7413/2021, dated 13.02.2021, has directed the 2nd respondent to take appropriate action in this regard, till date the encroachment has not been removed. Hence, the Writ Petition.



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5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the 2nd respondent to dispose of his representation dated 27.01.2021, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 27.01.2021 in the light of the communication of the first respondent in O.Mu.Pi.3/7413/2021, dated 13.02.2021, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 4 & 5 and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment in the “Maavudi Oorani” and “Vandi Pathai” in S.No. 146/1, Pudumadam Village, Ramanathapuram District, after



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affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
31.10.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Thasildar,
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Ramanathapuram District.
- 3.The President,
Pudumadam Village Panchayat,
Ramanathapuram District.



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and

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