



W.P.(MD)No.26411 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.11.2022

CORAM

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

W.P(MD)No.26411 of 2022

S.Sankara Pandi

... Petitioner

Vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin – 628 704.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.
- 3.The Tahsildar,
Santhankulam Taluk,
Tuticorin District.
- 4.The Block Development Officer,
Santhankulam Taluk,
Tuticorin District.
- 5.The Village Administrative Officer,
Santhankulam Taluk,
Tuticorin – 628 704.

6.John Pandian

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a Writ of Mandamus, to direct the 1st respondent to



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remove the encroachment made by the 6th respondent on the drinking water area situated in Veda Koil Street, Pannambarai Village, Sathankulam Taluk, Tuticorin District, by considering the petitioner's representation dated 02.11.2022.

For Petitioner : Mr.M.Maharaja

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 4 & 5 : 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 1st respondent to remove the encroachment made by the 6th respondent on the drinking water area situated in Veda Koil Street, Pannambarai Village, Sathankulam Taluk, Tuticorin District, by considering his representation dated 02.11.2022.

2. Heard Mr.M.Maharaja, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 and 3 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader,



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appearing for the respondents 4 & 5. 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 6th respondent is dispensed with.

4. Alleging that the 6th respondent has encroached the Natham Poramboke land, wherein the village panchayat has constructed a pump, borewell and tank, by surrounding it with fence and compound wall, the petitioner submitted a representation to the respondents 1 to 3 on 02.11.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. 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 third respondent to dispose of his representation dated 02.11.2022, within a time frame.



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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 third respondent to consider the representation of the petitioner dated 02.11.2022, by analysing all the aspects, 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 6th respondent and any other parties concerned, the authorities shall take necessary action for removal of the encroachment, after 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.]
23.11.2022

Internet : Yes / No

Index : Yes / No

sj



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