



W.P.(MD) No.27832 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.27832 of 2022

P.Kumaraveeran

... Petitioner

Vs.

- 1.The District Collector,
Tiruchirappalli District.
- 2.The Chief Engineer,
Public Works Department / Water
Resources Management,
Trichy Region,
Subramaniapuram,
Trichy – 20.
- 3.Revenue Divisional Officer,
Srirangam Division,
Tiruchirappalli District.



W.P.(MD) No.27832 of 2022

4.The Tahsildar,
Marungapuri Taluk.

5.K.Velu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representations dated 27.07.2022 and 28.10.2022 and remove the encroachments in Pillayarkulam in S.No.242 in Thuvarankurichi Village, Ponnampatti Town Panchayat, Trichy District, made by the 5th respondent.

For Petitioner : Mr.K.Prabhakar

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate for R1 to R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representations dated 27.07.2022 and 28.10.2022 and remove the encroachments made by the 5th



W.P.(MD) No.27832 of 2022

respondent in S.No.242, Pillayarkulam, Thuvarankurichi Village, Ponnampatti Town Panchayat, Trichy District.

2. Heard Mr.K.Prabhakar, learned counsel for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the respondents 1 to 4. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that the 5th respondent has encroached upon a pond in the aforesaid survey number and has set up a brick kiln and has also dug a Well in the pond bed. Further, the 5th respondent is illegally letting the water from the said pond and due to which, the storage of water of the pond has been affected. In this regard, the petitioner made a representation on 27.07.2022, to the first respondent, seeking to remove the aforesaid



W.P.(MD) No.27832 of 2022

encroachment. After receipt of the same, the first respondent, vide his Letter in COLREV-COLR/6122/2022-B1, dated 22.08.2022, directed the 3rd respondent to consider the representation of the petitioner and take action on the same. Thereafter, nothing has been forthcoming. Hence, the petitioner made another representation dated 28.10.2022, to the 1st respondent, seeking to remove the aforesaid encroachment. Since the same was not considered, the petitioner has come forward with this Writ Petition.

5. The learned Government Advocate appearing for the respondents 1 to 4, on instructions, submitted that there are encroachment in the place in question and the representations of the petitioner dated 27.07.2022 and 28.10.2022 would be considered by the official respondents and appropriate action will be taken to remove the aforesaid encroachment, by due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.

6. Recording the above submission, this Writ Petition is disposed of with a direction to the second respondent to consider and dispose of the representations



W.P.(MD) No.27832 of 2022

of the petitioner dated 27.07.2022 and 28.10.2022, on merits and in accordance with law. If there is any encroachment in the place in question, the second respondent shall remove the same, after affording sufficient opportunity to all the parties and by following due 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.

[D.K.K., J.] [R.V., J.]

09.12.2022

Index : Yes / No

Internet : Yes / No

vsm

To

- 1.The District Collector,
Tiruchirappalli District.
- 2.The Chief Engineer,
Public Works Department / Water
Resources Management,
Trichy Region,
Subramaniapuram,
Trichy – 20.



WEB COPY



W.P.(MD) No.27832 of 2022

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

3.Revenue Divisional Officer,
Srirangam Division,
Tiruchirappalli District.

4.The Tahsildar,
Marungapuri Taluk.

W.P.(MD) No.27832 of 2022

09.12.2022