



WEB COPY



WP No.3823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.3823 of 2023

1.Dharmalingam

2.Thavathuraja

... Petitioners

versus

1 The District Collector
Kallakurichi District.

2 The Revenue Divisional Officer
Kallakuichi District.

3 The Tahsildar
Sankarapuram Taluk
Kallakuichi District.

4 Arumugham

5 Dhanakodi

6 Thoppai

7 Subramani

8.The President,
Mallapuram Village Panchayat,
Sankarapuram Taluk,
Kallakurichi

9.The Block Development Officer,
Sankarapuram Taluk,
Kallakurichi District
(respondents 8 and 9 impleaded suo motu
by order of the Court dated 10.02.2023)

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a



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Writ of Mandamus directing the Respondents 1 to 3 herein to remove the encroachments made by the Respondents 4 to 7 in Odai Poromboke land situated in S.F.No.185/3, Mallapuram Village, Sankarapuram Taluk, Kallakurichi District, and restore the stream to its original position.

For the Petitioner : Mr.R.Bharath Kumar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 3

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a writ of mandamus directing respondents 1 to 3 herein to remove the encroachments made by respondents 4 to 7 in Odai Poromboke land situated in S.F.No.185/3, Mallapuram Village, Sankarapuram Taluk, Kallakurichi District, and restore the stream to its original position.

2. When the matter was taken up for hearing, Mr.P.Muthukumar, learned State Government Pleader appearing for respondents 1 to 3 fairly submitted that the respondents 4 to 7 have encroached into the Odai Poromboke and action would be taken on the petitioner's representation. The learned State Government Pleader sought for four weeks' time to complete the exercise.

3. The land in S.F.No.185/3 has been classified as Odai and it falls within the jurisdiction of President of the Village Panchayat and Block Development Officer is the officer in-charge. However, the petitioner has not impleaded these two authorities. Therefore, to cut short time delay, they are impleaded suo motu



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as respondents 8 and 9. The Block Development Officer is directed to consider the petitioner's representation, after giving notice to the encroachers and remove the encroachments found in the Odai poromboke.

4. The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.3894 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
10.02.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The District Collector,
Kallakurichi District.

2.The Revenue Divisional Officer
Kallakuichi District.

3.The Tahsildar
Sankarapuram Taluk,
Kallakuichi District.

4.The President,
Mallapuram Village Panchayat,
Sankarapuram Taluk,
Kallakurichi

5.The Block Development Officer,
Sankarapuram Taluk,
Kallakurichi District



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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