



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.25904 of 2023

S.Kamalahassan

...

Petitioner

-VS-

1.The District Collector,
Thiruvarur Collectorate,
Thiruvarur District.

2.The Tahsildar,
Koothanallur Taluk,
Thiruvarur District.

3.The Block Development Officer,
Koradacheri Panchayat Union,
Thiruvarur District.

4.The Inspector of Police,
Koradacheri Police Station,
Thiruvarur District.

5.Santhakumar

...

Respondents



Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing respondents 1 to 4 to remove the encroachments made in the public land measuring 0.45.90 Acres in S.F.No.63/1, Kankoduthavanitham Village, Koothanallur Taluk, Thiruvarur District, and to restore the land to its original position by considering the petitioner's representation, dated 01.07.2023.

For Petitioner : Mr.R.T.Vishnu

For Respondents 1 to 3 : Mr.P.Muthukumar,
State Govt.Pleader.

For Respondent 4 : Mr.R.Muniyapparaj,
Addl.Public Prosecutor.

ORDER

(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this petition, seeking for a direction to respondents 1 to 4 to remove the encroachments made in the public land measuring 0.45.90 Acres in S.F.No.63/1, Kankoduthavanitham Village, Koothanallur Taluk, Thiruvarur District, and to restore the land to its original position, by considering his representation, dated 01.07.2023.

2. Mr.P.Muthukumar, learned State Government Pleader, appearing for the respondents, has produced a communication of the Tahsildar, Koothanallur, addressed to him, dated 01.09.2023, stating that the Survey No.63/1, measuring an extent of



0.45.90 Hectare, is a water-body, which is under the control of Panchayat Union. It is further stated therein that Koothanallur Tahsildar and Koradacherry Block Development Officer are working together to remove the encroachments and that the encroachments will be removed within a week.

3. From A-Register, it appears that the subject land belongs to Government (Arasu Poramboke) and a water tank exists thereon. Though fifth respondent has been made a party in the present Writ Petition, we are not inclined to pass any adverse orders against him. We expect that the encroachments shall be removed after issuing notice to petitioner and fifth respondent and also other persons, who are likely to be affected by the said exercise, and following due process of law within a period of three months from the date of receipt of a copy of this order. We make it clear that the authorities are to adhere to the mandatory directions given by the Madurai Bench of this Court in W.P.MD.No.16120 of 2023, dated 30.08.2023, failing which they will have to face the consequences. In case the encroachers resist the removal of encroachments, necessary assistance may be taken by the authorities from local police for the said purpose.

4. Writ Petition is disposed of accordingly. No costs.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
01-09-2023



To
WEB COPY

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WEB COPY

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dixit

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