



WEB COPY



W.P. No. 786 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 786 of 2020

1. N. Thirumoorthy
2. G. Thangavel
3. A. Devaraj
4. K. Kandimuthu
5. N. Ramasamy
6. M. Marimuthu ..Petitioners

Vs.

1. The Principal Secretary,
Revenue Administration and
Disaster Management Mitigation
Department, Chennai 600 005.
2. The District Collector,
Collectorate, Tiruppur.
3. The Project Director,
Rural Development,
Panagal Building,



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Chennai.

4. The Project Director,
District Rural Development
Agency, Tiruppur.
5. The District Revenue Officer,
Udumalpet, Tiruppur District.
6. The Revenue Divisional Officer,
Udumalpet Taluk,
Tiruppur District.
7. The Tahsildar,
Udumalpet, Tiruppur District.
8. The Village Administrative Officer,
Somavarapatti Village,
Pedappampatti, Udumalpet Taluk,
Tiruppur District.
9. The Block Development Officer,
Gudimangalam Panchayath Union,
Pedappampatti, Udumalpet Taluk,
Tiruppur District.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 8, namely, The Principal Secretary, Revenue Administration and Disaster Management Mitigation Department, Chennai 600 005, The District Collector, Collectorate, Tiruppur, The Project Director, Rural Development, Panagal



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Building, Chennai, The Project Director, District Rural Development Agency, Tiruppur, The District Revenue Officer, Udumalpet, Tiruppur District, The Revenue Divisional Officer, Udumalpet Taluk, Tiruppur District, The Tahsildar, Udumalpet, Tiruppur District, The Village Administrative Officer, Somavarapatti Village, Pedappampatti, Udumalpet Taluk, Tiruppur District, to consider the representation of the petitioners dated 26.08.2019 and take necessary action preventing the 9th respondent namely, the Block Development Officer, Gudimangalam Panchayat Union, Pedappampatti, Udumalpet Taluk, Tiruppur District from converting the land an extent of 0.39.5 hectares in S.No. 211/1, Somavarapatti Village, Pedappampatti, Udumalpet Taluk, Tiruppur District into a shandy (Market) within a time to be stipulated by this Court.

For Petitioner :: Mr.Karthikeyan for
Mr.V. Nicholas

For Respondents :: Mr.A. Selvendran,
Special Govt. Pleader for

R1 to R5 and R7 to R9

R6 service awaited

O R D E R

(Made by *S. Vaidyanathan, J.*)

The relief sought in the writ petition is for issue of a Writ of



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Mandamus directing respondents 1 to 8 to consider the representation of the petitioners dated 26.08.2019 and take necessary action to prevent the 9th respondent namely, the Block Development Officer, Gudimangalam Panchayat Union, Pedappampatti, Udumalpet Taluk, Tiruppur District from converting the land to an extent of 0.39.5 hectares in S.No. 211/1, Somavarapatti Village, Pedappampatti, Udumalpet Taluk, Tiruppur District into a shandy (Market) within a time frame.

2. The case of the petitioners is that they are agriculturists and that in the land in Survey No. 211/1, measuring to an extent of 0.39.5 hectares, there are rain water channels and supply channels. On the western side of the channel, there are two ponds. The petitioners would further state that during monsoon, water flows from the said ponds to Upparu Dam in Dharapuram. The Panchayat Union of Gudimangalam is putting up constructions to conduct a permanent shandy (market) from National Rural Development Scheme Funds, which appears to be the grievance of the petitioners as, according to them, it will cause hardship and inconvenience to the villagers. Moreover, the petitioners would state that during rainy



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season, the lands serves as a water body and percolation takes place for recharge of ground water and streams from the land help to drain water to other water bodies. The representation dated 26.08.2019 submitted by the petitioners in this regard went unheeded, which resulted in the filing of this writ petition.

3. Mr.A. Selvendran, learned Special Government Pleader appearing for respondents 1 to 5 and 7 to 9 would submit that he will ensure that the water bodies are protected and no temporary or permanent construction is put up in the water body to conduct shandy. He would further submit that a survey will be conducted and steps will be taken to ensure that no water body is encroached upon, more so, in the light of G.O.(Ms.) No. 540 Revenue [LD6(2)] Department dated 04.12.2014.

4. Recording the submission made by the learned Special Government Pleader, the writ petition stands disposed of. However, it is made clear that before taking a decision, the petitioners shall be afforded an opportunity of hearing and the decision will have to be taken within a



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period of 3 months from the date of receipt of a copy of this order. No costs.

(S.V.N.J.) (K.R.S.J.)

nv

13.12.2023

To

1. The Principal Secretary,
Revenue Administration and
Disaster Management Mitigation
Department, Chennai 600 005.
2. The District Collector,
Collectorate, Tiruppur.
3. The Project Director,
Rural Development,
Panagal Building,
Chennai.
4. The Project Director,
District Rural Development
Agency, Tiruppur.
5. The District Revenue Officer,
Udumalpet, Tiruppur District.
6. The Revenue Divisional Officer,
Udumalpet Taluk,
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S. VAIDYANATHAN,J.

AND



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K. RAJASEKAR,J.

nv

7. The Tahsildar,
Udumalpet, Tiruppur District.
8. The Village Administrative Officer,
Somavarapatti Village,
Pedappampatti, Udumalpet Taluk,
Tiruppur District.
9. The Block Development Officer,
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