



W.P. No. 773 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.10.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 773 of 2019

G. Anjammal

..Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Nagapattinam District.
2. The Revenue Divisional Officer,
Mayavaram Division,
Mayiladuthurai,
Nagapattinam District.
3. The Thasildar,
O/o The Thasildar Taluk Office,
Mayavaram, Nagapattinam District.
4. The Superintendent of Police,
District Police Head Quarters,
Nagapattinam District.
5. The Inspector of Police,



W.P. No. 773 of 2019

Manalmedu Police Station,
Nagapattinam District.

WEB COPY

6. Rajendran

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 5 to perform their statutory duty in preventing illegal encroachments and obstructing public in using the pathway of Survey Nos. 310, 312, 313 of Kurichi Vaykkal and Survey No. 279/6 of Sattangudi Vaykkal situated in Kurichi Village, Mayavaram Taluk, Nagapattinam District and consequently directing respondents 1 to 5 to take appropriate remedial action against the 6th respondent for the restoration of the lands in the aforesaid Survey Nos. 310, 312, 313 of Kurichi Vaykkal and Survey No. 279/6 of Sattangudi Vaykkal situated in Kurichi Village, Mayavaram Taluk, Nagapattinam District, to its original state.

For Petitioner :: No appearance

For Respondents :: Mr.J. Ravindran,
Additional Advocate General
assisted by
Mr.A. Selvendran,
Special Government Pleader
for R1 to R5
Mr. J. Srinivas for R6



W.P. No. 773 of 2019

ORDER

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

WEB COPY

The writ petition has been filed for issue of a Writ of Mandamus for a direction to respondents 1 to 5 to perform their statutory duty in preventing illegal encroachments and obstructing public in using the pathway of Survey Nos. 310, 312, 313 of Kurichi Vaykkal and Survey No. 279/6 of Sattangudi Vaykkal situated in Kurichi Village, Mayavaram Taluk, Nagapattinam District and consequently directing respondents 1 to 5 to take appropriate remedial action against the 6th respondent for the restoration of the lands in the aforesaid Survey Nos. 310, 312, 313 of Kurichi Vaykkal and Survey no. 279/6 of Sattangudi Vaykkal situated in Kurichi Village, Mayavaram Taluk, Nagapattinam District, to its original state.

2. When the matter came up on 13.10.2023, there was no representation on behalf of the petitioner and it was directed to posted under the caption “For Orders” today. Even today, there is no representation for the petitioner and we proceed to dispose of the writ petition based on available records.

3. The grievance of the petitioner, who owns agricultural lands



W.P. No. 773 of 2019

comprised in S.Nos. 116/2B, 116/3, 116/4, 116/5, 121/1 and 277/5 of Kurichi village, Mayiladuthurai Village is that the S.Nos. 310, 312 and 313 of Kurichi Village, is a Government channel/canal namely Kurichi Vaykkal and Kurichi Vaykkal bund is the only way in existence for the villagers to reach their patta lands including the petitioner and that the 6th respondent has illegally encroached upon the said pathway and put up a fence thereby causing obstruction to the petitioner and other patta land owners to reach their land. Though complaints were given by the petitioner to remove the encroachments made by the 6th respondent and the 6th respondent was also warned by the 3rd respondent and other revenue officials, again, the 6th respondent has encroached upon the Kurichi Vaykkal and cut down the trees on the pathway of Kurichi Vaykkal illegally. The representations made by the petitioner in this regard to the official respondents did not evoke any response. Hence, the present writ petition.

4. In the counter affidavit filed on behalf of the 3rd respondent dated 09.02.2019, it has been stated in paragraph No.7 that the encroachments have been sorted out and notices are being issued to the



W.P. No. 773 of 2019

encroachers as required under the Tamil Nadu Land Encroachment Act, 1905. It is further stated that all the encroachments in R.S. Nos. 310, 312, 313 and 279/6 will be removed observing the formalities as contemplated under the aforesaid Act.

5. Another counter affidavit dated 10.06.2019 has been filed by the Tahsildar, Mayavaram, who has subsequently taken over and in paragraph No.4 of the said affidavit, it is stated as hereunder:

“4. It is submitted that detailed counter affidavit has already been filed before this Hon'ble Court. With a view to evict all the encroachments, action was taken and a status report was already filed before this Hon'ble Court. Consequent on the completion of General Election process, the eviction proceedings was continued and all the following encroachments found in R.S. no. 310, 312, 313, 279/6 of Kurichi Village of Mayiladuthurai were removed the eviction process completed. The eviction was physically carried out by removing the field bunds put up the encroachers and the river bank was restored in the presence of the writ petitioner, Village Administrative Officers, P.W.D. Officials, with police protection.”

6. In the light of the statement made in the counter affidavit dated 10.06.2019 stating that the encroachments have been removed, no further orders are required and the writ petition is closed. We expect that the



W.P. No. 773 of 2019

officials ensure that no further encroachments are made in the water channel. No costs.

nv

(S.V.N.J.) (K.R.S.J.)
19.10.2023

To

1. The District Collector,
O/o. The District Collector,
Nagapattinam District.
2. The Revenue Divisional Officer,
Mayavaram Division,
Mayiladuthurai,
Nagapattinam District.
3. The Thasildar,
O/o The Thasildar Taluk Office,
Mayavaram, Nagapattinam District.
4. The Superintendent of Police,
District Police Head Quarters,
Nagapattinam District.
5. The Inspector of Police,
Manalmedu Police Station,

6\8



Nagapattinam District.

WEB COPY



W.P. No. 773 of 2019

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.



WEB COPY



W.P. No. 773 of 2019

nv

W.P. No. 773 of 2019

19.10.2023