



W.P.(MD)No.332 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.332 of 2023

Sri Krishnan

... Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Srirengam Revenue Division,
Vannankovil, Trichy District.
- 3.The Tahsildar,
Marungapuri Taluk Office,
Marungapuri Taluk, Trichy District.
- 4.The Block Development Officer
(Village Panchayat),
Marungapurai Panchayat Union,
Marungapuri Taluk,
Trichy District.



W.P.(MD)No.332 of 2023

WEB COPY

5.The President,
Karadipatti Village Panchayat,
Marungapurai Panchayat Union,
Marungapuri Taluk,
Trichy District.

6.Vijayakumar

7.Thangaraj

8.Balamani

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 5 respondents to remove the encroachment made by the 6 to 8 respondents in S.F.No.13/1 namely Chinnamankulam classified as water body situated at Karadipatti Village, Velukkurichi Revenue Village, Marungapuri Taluk, Trichy District on the basis of the petitioner's representations dated 11.10.2022 and 02.12.2022 within time frame fixed by this Honble Court.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate for R1 to R3

Mr.K.Balasubramani,
Spl. Govt. Pleader for R4 & R5



W.P.(MD)No.332 of 2023

WEB COPY

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 5 to remove the encroachments made by the respondents 6 to 8 in S.F.No.13/1, which was classified as water body, situated at Karadipatti Village, Velukkurichi Revenue Village, Marungapuri Taluk, Trichy District, on the basis of the petitioner's representations dated 11.10.2022 and 02.12.2022, within a time frame.

2. Heard Mr.T.Vadivelan, learned counsel appearing for the petitioner, Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for respondents 1 to 3 and Mr.K.Balasubramani, learned Special Government Pleader, who takes notice for the respondents 4 and 5. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 6 to 8 is dispensed with.

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



W.P.(MD)No.332 of 2023

WEB COPY

4. The learned counsel appearing for the petitioner submitted that the respondents 6 to 8 have made encroachments in S.F.No.13/1, situated at Karadipatti Village, Velukkurichi Revenue Village, Marungapuri Taluk, Trichy District, which was classified as water body. In this regard, the learned counsel appearing for the petitioner has made representations on 11.10.2022 and 02.12.2022. However, till date, no action was taken by the respondents to remove the aforesaid encroachments. Hence, the petitioner has filed this Writ Petition.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that with regard to the same survey number, one encroacher, viz., Thangaraj, who is the 7th respondent herein, has filed a Writ Petition before this Court in W.P.(MD)No.27105 of 2022, challenging the proceedings of the fifth respondent therein, dated Nil.01.2022 and this Court, by order dated 01.12.2022, allowed the Writ Petition and remitted the matter back to the respondents 3 and 4 therein to consider the matter afresh and pass appropriate orders, after affording a fair opportunity of hearing to the petitioner herein, as well as the rival



W.P.(MD)No.332 of 2023

claimants. Therefore, as per the direction of this Court, if the petitioner has any grievance, he can make his objections to the District Collector and the District Revenue Officer, Trichy.

6. In view of the above, this Writ Petition is disposed of, giving liberty to the petitioner to file his objections before the District Collector and the District Revenue Officer, Trichy, if he has any grievance, if so advised. No costs.

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

06.01.2023

vsm

NCC : Yes / No

Index : Yes / No

To

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Srirengam Revenue Division,
Vannankovil,
Trichy District.



WEB COPY



W.P.(MD)No.332 of 2023

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

vsm

3.The Tahsildar,
Marungapuri Taluk Office,
Marungapuri Taluk,
Trichy District.

4.The Block Development Officer
(Village Panchayat),
Marungapurai Panchayat Union,
Marungapuri Taluk,
Trichy District.

5.The President,
Karadipatti Village Panchayat,
Marungapurai Panchayat Union,
Marungapuri Taluk,
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W.P.(MD)No.332 of 2023

06.01.2023