



W.P.(MD)No.5246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5246 of 2023

D.Palaniraj

... Petitioner

Vs.

1.The District Collector,
District Collector Campus,
Thanjavur,
Thanjavur District-613 010.

2.The Assistant Director,
Town Panchayat Department,
District Collecor Campus,
Thanjavur District-613 010.

3.The Tahsildhar,
Papanasam Taluk,
Thanjavur 614 205.

4.The Executive Officer,
Town Panchayat Office,
Melattur,
Papanasam Taluk,
Thanjavur-614 301.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the fourth respondent not to encroach the land of Vadakkulam (Thamaraikulam), Melattur, Melattur Town Panchayat, Papanasam Taluk, Thanjavur District by way of laying the platform inside of the said tank and further direct the respondents to survey the said tank in view of old survey No.347K and to remove encroachments in the said tank land based on the petitioner's representation dated 04.03.2023 within stipulated time fixed by this Court.

For Petitioner :Mr.S.K.Mani

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R3

: Mr.V.Chandrasekar for R4

ORDER

Heard the learned counsel on either side.

2. The writ petition has been filed ostensibly to prevent the encroachment of the petition mentioned tank. The petitioner also wants survey to be conducted. We granted interim order on 13.03.2023. The local body has now filed its written response stating that they had only undertaken developmental activities and that the extent of the tank including water spread area as well as storage capacity will be maintained properly. The relevant 'A'



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register entries have been produced. The tank is comprised in Survey No.798/8 in Melattur Village and the total extent of the water body is 1.64.5 hectare.

3. We direct the respondents to ensure that this extent is not shrunk.

There is nothing on record to show that the water body had a larger extent of land. Even though we gave liberty to the petitioner to produce the materials, till date, nothing is forthcoming. We therefore do not propose to continue the interim order any further. At this stage, the learned counsel appearing for the petitioner submitted that since the petitioner filed this writ petition, the shop belonging to the local body which had been leased out to the petitioner had been sealed and the petitioner had been dispossessed.

4. The learned standing counsel for the local body, on instructions, submitted that there are three more shops and that one of the shops will be allotted to the petitioner. This undertaking given by the local body through its standing counsel is placed on record. It is needless to add that the usual terms and conditions will apply. The petitioner is also permitted to remove the asbestos sheet and other fixtures put up by him over the leased out shop.



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5. The Writ Petition is dismissed by recording the aforesaid undertaking of the local body. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
18.04.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
rmi

To

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