



W.P(MD)No.15097 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2023

CORAM

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

**W.P(MD)No.15097 of 2023
and
W.M.P(MD)No.12705 of 2023**

M.Viswanath

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
O/o, the District Revenue Officer,
Thanjavur.
- 3.The Revenue Divisional Officer,
O/o, the Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.
- 4.The Tahsildar,
Pattukkottai Taluk,
Pattukkottai,
Thanjavur District.



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5.The Block Development Officer,
Madukkur Panchayat,
Madukkur,
Thanjavur District.

6.M.C.Ramamoorthi
7.Vaithiyanathan
8.Chinnathambi
9.Alamelu Mangai
10.Selvamani
11.Valarmathi
12.Malathi
13.Vaideki
14.Malarvizhi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the fourth respondent vide his Proceedings in Na.Ka.No.15384/2022/Aa9, dated 30.05.2023 and quash the same as illegal and consequently directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 14 and to preserve and strengthen the water body of Adaikalamkathan Kulam Comprised in Survey No.78/16 for an extent of 0.94.50 Ares, (2 Acres, 34 Cents) situated at Mannangadu Village, Pattukkottai Taluk, Thanjavur District within the stipulated by this Court.

For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.5



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents.

2. The petitioner wants the encroachments in the petition mentioned water body to be removed. A reading of the petitioner's representation indicates that the so-called encroachers are having patta. It is quite possible that pattas have been granted illegally or unlawfully. But then, the pattas will have to be formally cancelled in the manner known to law. This exercise has to be necessarily undertaken only by the authority concerned. If the encroachers have obtained patta during UDR, such pattas can be cancelled only by the jurisdictional District Revenue Officer. Probably, that is why, the Tahsildar, Pattukkottai rejected the petitioner's request. Questioning the said rejection order, the present writ petition has been filed.

3. The petitioner has an effective appeal remedy. Without exhausting the same, the present writ petition has been straightaway filed. Granting liberty to the petitioner to avail the alternative remedy of appeal, this writ petition is dismissed. We make it clear that we have not gone into the merits of the matter.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
23.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

Note: Registry is directed to return the original impugned order.

To

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O/o, the District Revenue Officer,
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O/o, the Revenue Divisional Officer,
Pattukkottai,
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Pattukkottai,
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- 5.The Block Development Officer,
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Madukkur,
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and

B.PUGALENDHI, J.

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