



W.P.(MD) No.7473 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.7473 of 2014

P.Subramani

... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Secretariate,
Fort St. George,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Palani,
Dindigul District.

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4.The Tahsildar,
Vedasanthur Taluk,
Vedasanthur,
Dindigul District.

5.The Panchayat President,
V.Pudukkottai Village,
Vedasanthur Taluk,
Dindigul District.

6.K.Jeyanthi

7.Kuppusamy

8.Panchavarnam

9.Muniammal

10.Kaliammal

11.L.Saroja

12.N.Thangammal

13.Manjula

14.Ananthi

15.Meenakshi

16.Andiammal

17.Panneerselvam



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WEB COURT 18.Saratha

19.Thaliammal

20.Gandhimathi

21.Nagarathinam

22.Parvathi

23.Karuppayee

24.Kaliammal

25.Murgayee

26.Lakshmi

27.Kuppayee

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to initiate proceedings to cancel the patta unlawfully given to the respondents 8 to 27 and direct the respondents 1 to 4 to remove the encroachments made by the respondents 8 to 27 in Odai promboke situate in Survey No.516/1A at V.Pudukkottai Village, Vedasanthur Taluk, Dindigul District on the basis of the representation of the petitioner dated 01.04.2014 within a time frame that may be stipulated by this Court.



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For Petitioner : Mr.R.R.Kannan
For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R4
No Appearance for R5 to R27

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 3 and 4 to initiate proceedings to cancel the patta unlawfully given to the respondents 8 to 27 and direct the respondents 1 to 4 to remove the encroachments made by the respondents 8 to 27 in Odai promboke situate in Survey No.516/1A at V.Pudukkottai Village, Vedasanthur Taluk, Dindigul District on the basis of the representation of the petitioner dated 01.04.2014, within a time frame.

2. The learned counsel appearing for the petitioner submitted that 3.93.3 Hectares of land comprised in Survey No.516/1A situated at V.Pudukkottai



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Village is a Odai Poramboke. However, the 4th respondent has issued free house site patta in favour of the respondents 8 to 27, on the basis of the recommendation of the respondents 6 and 7, after receiving a sum of Rs.40,000/- per house site. He further submitted that the Survey No.516/1A is a Odai Proramboke, which is a water body. The fourth respondent knowing fully well that the water body should not be earmarked for any house site patta, he has issued house site patta to the respondents 8 to 27. In this regard, the petitioner made a representation on 01.04.2014, seeking to remove the encroachment made by the respondents 8 to 27 in Odai poramboke and restore the water body. However, till date the same was not considered and the respondents have not taken any steps to remove the aforesaid encroachment. Hence, the petitioner has filed this Writ Petition.

3. The fourth respondent has filed a counter affidavit, in which it is stated that the respondents 8 to 27 were provided with house site as per G.O.Ms.No. 854, Revenue Department, dated 30.12.2006. The Odai is in existence and there is no hindrance in the water course. Only unused portion alone has been



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assigned for the poor landless people. Further water course is in existence without any disturbance. There is no just cause to invoke Article 226 of the Constitution of India and therefore, this Writ Petition is liable to be dismissed.

4. We have heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5. On a perusal of the records, it is seen that the petitioner has made a serious allegation by alleging that in Survey No.516/1A, the 4th respondent has issued free house site patta to the respondents 8 to 27, by receiving bribe amount of Rs.40,000/- from the aforesaid respondents. In the counter affidavit, it is admitted by the 4th respondent that S.No.516/1A is Odai poramboke. The Hon'ble Division Bench of this Court in the case of ***L.Krishnan Vs. State of Tamil Nadu*** reported in ***2005 (4) CTC 1***, has held that action to be taken for removal of encroachment in the water bodies.



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6. Considering the serious allegations made in the Writ Petition, we direct the second respondent viz., the District Collector, Dindigul District to consider the representation of the petitioner dated 01.04.2014 and pass orders in accordance with law. If there is any encroachment in S.No.516/1A, the District Collector is directed to take necessary action for removal of the said encroachment, after affording sufficient opportunity to all the parties concerned, by due following process of law and keeping in mind the decisions of this Court as well as the order passed by the Chief Secretary, Government of Tamil Nadu, to all the official respondents for removal of encroachment in the water bodies. Such exercise shall be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order. If any inaction on the part of the District Collector, Dindigul District, the same will be viewed very seriously by this Court. No costs.

[D.K.K., J.] [R.V., J.]
09.01.2023

NCC : Yes / No
Index : Yes / No
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