



WP (MD) No.19860 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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P.Senthamizhselvan

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Collectorate Premises,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sivakasi Revenue Division,
Virudhunagar District.
- 3.The Tahsildar,
Taluk Office,
Rajapalayam Town and Taluk,
Virudhunagar District.
- 4.The Block Development Officer (VP),
Office of the Block Development Officer,
Rajapalayam Town, Virudhunagar District.



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5.The President,
Samusikapuram Village Panchayat,
Virudhunagar District.

6.Ramachandran

7.Rajagopal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the 1st and 2nd respondents to consider the representation of the petitioner dated 30.06.2023.

For petitioner	: Mr.MC.Arumugam
For R1 to R3	: Mr.PT.Thiraviyam, Government Advocate
For R4 & R5	: Mr.B.Saravanan

ORDER

This writ petition is listed today under the caption for "being mentioned" at the instance of the petitioner.

2.The petitioner is a resident of Samusikapuram village, has submitted a representation to the respondents with a grievance that the seventh respondent Panchayat President of Samusikapuram village is



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running a brick kiln adjacent to the land in S.No.351/1 and with an intention to encroach the land, has approached this petitioner to surrender the land to him.

3.The case of the petitioner is that the land in dispute was a vacant land and in order to develop the land he has planted some trees and is maintaining the land. The seventh respondent with an intention to develop his brick kiln is insisting this petitioner to hand over the land. Since the petitioner has refused, the 7th respondent has removed the trees without issuing any notice to the petitioner. Therefore, the petitioner has submitted a representation to the respondents for taking necessary action as against the 7th respondent and filed this writ petition.

4.The learned Government Advocate appearing for respondents 1 to 3 based on the written instructions received from the



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Tahsildar, submits that the land in S.No.351/1 is a government land, which is classified as Oodai. The petitioner has encroached upon a portion of the land and has also planted trees. The adjacent land is required for the panchayat for developments activities and therefore, steps have been taken by the panchayat to remove the encroachments. Accordingly they have removed the shrubs and other weeds in the S.No.351/1 on 27.06.2023. He further submits that there are 11 teak wood trees and 8 Neems trees and they were left as it is and they have not been removed as alleged by the petitioner. Moreover, the petitioner has constructed a building in that land and since the panchayat is taking steps to remove the building, the petitioner has submitted a representation and filed this writ petition in order to prevent the 7th respondent from removing the encroachment made by this petitioner.

5.This Court considered the rival submissions and perused the materials placed on record.



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6.The case of the petitioner is that the seventh respondent in order to develop his brick kiln adjacent to the land in S.No.351/1 has uprooted the trees in S.No.351/1, without issuing any notice. This petitioner claims that he is in occupation of the subject land, planted trees and put up some constructions. On the other hand, the learned Government Advocate submits that the land in dispute is a water body and he has also placed the 'A' Register for the same. He has also taken a stand that the trees have not been uprooted. The shrubs and bushes were only removed. Considering the submission made by the learned Government Advocate, this writ petition was dismissed on 16.08.2023. However, the order copy has not been issued. In the meantime, the petitioner approached this Court and submits that he has put up some construction and his belongings are still in the subject land. He may be permitted to take away his belongings from the disputed site.



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7.Since the land has been classified as water body and the

learned Government Advocate submits that they have not uprooted any trees in the subject land, this writ petition is dismissed. Considering the submission made by the petitioner, liberty is granted to the petitioner to take away his belongings from the subject land on 22.09.2023, by showing this order copy and the concerned officer shall ensure the same. No costs.

14.09.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

Note: Issue order copy on **20.09.2023.**



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B.PUGALENDHI, J.

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