



W.P(MD)No.20307 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.20307 of 2015  
and  
M.P(MD)No.1 of 2015

Pitchairaj

... Petitioner

vs.

1. The District Collector,  
Tirunelveli District, Tirunelveli.

2. Mr.Muruganantham,  
The Tahsildar, Pettai, Tirunelveli District.

3. Mr.Umasankar,  
The Block Development Officer,  
Manur Union Office, Manur, Tirunelveli District.

4. A.S.Ganesan,  
Panchayat Secretary,  
Thenpatthu Panchayat Board,  
Tirunelveli.

5. Esakkimuthu,  
Panchayat Secretary,  
Thenpatthu Panchayat Board,  
Tirunelveli.

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6. M.Balasubramanian

7. B.Maheswari

8. G.Arumugam

9. S.M.Beermymdeen

10. S.Beermohammed

11. Muthuraj

12. Nazeer

13. Saravanan

14. P.Jegadeesan

15. Abdulkapur

16. Radhakrishnan

17. Ramesh @ Balasubramanian

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to take appropriate legal action by conducting a detailed enquiry on the encroachment made in water bodies in S.Nos. 24, 76, 108, 174, 175, 205, 315, 331, 332, 336, 350A, 350B, 356, 358B, 377, 471, 580, 587, 588, 589, 598, 601, 609, 611, 631, 644A, 707A, 746, 759 and agriculture lands in S.Nos.213B, 214A, 215B,



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216B, 217, 218, 219A, 220A, 232A, 233B, 234B, 235 to 244, 245A, 246B, 247A, 250B, 251 to 314, 316 to 330, 333 to 335, 337 to 348, 349A, 360 to 376, 378 to 470, 472 to 579, 581 to 586, 590, 591, 593 to 597, 599, 602 to 608, 610, 612 to 630, 642, 643, 645 to 649, 731 to 745, 747 to 754 situated at Pettai Rural Village 1 & 2, Tirunelveli District vide the petitioner's representation dated 12.10.2015.

For Petitioner : Mr.D.Saravanan

For R1 : Mr.M.Sarangan

Additional Government Pleader

For R3, R5 to R8,  
R10 to R14, R16 & R17 : No appearance

### **ORDER**

**(Order of the Court was made by D.KRISHNAKUMAR, J.)**

The petitioner has filed this writ petition by impleading the officials in the personal capacity, seeking a Mandamus, directing the 1<sup>st</sup> respondent to take appropriate legal action by conducting a detailed enquiry on the encroachment made in the water bodies and agriculture lands situated at Pettai Rural Village 1 & 2, Tirunelveli District, by considering his representation dated 12.10.2015.



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2. Learned Additional Government Pleader appearing for the 1<sup>st</sup> respondent, on instructions, submitted that there are no encroachments in the water bodies and agricultural lands as alleged by the petitioner.

3. Perusal of records shows that the petitioner has not approached the authority concerned for taking necessary action for removal of encroachment in the place in question. Therefore, we cannot issue any positive direction for removal of the encroachment unless the petitioner approached the authority concerned by way of representation. Therefore, liberty is given to the petitioner to make a representation to the Tahsildar, Pettai, Tirunelveli District, seeking removal of the encroachment in the aforesaid survey numbers. If any such representation is made, it is for the Tahsildar, Pettai, Tirunelveli District, to take necessary action for removal of the encroachments, if any, in the water body and agricultural lands, by due process of law without any further delay.



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4. Accordingly, the Writ Petition is disposed of with the liberty aforesaid. No costs. Consequently, connected miscellaneous petition is closed.

**[D.K.K.,J.] & [R.V.,J.]**  
**23.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
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To

The District Collector,  
Tirunelveli District, Tirunelveli.



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

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**ORDER MADE IN**  
**W.P(MD)No.20307 of 2015**  
**DATED : 23.01.2023**