



W.P.(MD)No.24446 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.24446 of 2023

P.Ramasamy

...Petitioner

-Vs.-

- 1.The District Collector,
Collectorate,
Pudukottai District.
- 2.The District Revenue Officer,
The District Revenue Office,
Pudukottai District.
- 3.The Block Development Officer,
Kundrandar Kovil,
Kulathoor,
Puthukottai District.
- 4.Executive Engineer,
Public Work Department (PWD),
Water Resources Department,
South Vellarpadi Nila Kottam,
Puthukottai District.
- 5.The Revenue Divisional Officer,
Ilupur Range,
Pudukottai District.



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6.The Tahsildar,
Kulathur Taluk,
Office at Keeranur,
Puthukottai District.

7.The Village President,
Andakulam Village Panchayath,
Kulathur Taluk,
Puthukottai District.

8.A.Ravi

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1-7 to remove the encroachment of public cemetery in Survey Nos.39/2 the Extend of 57 Ares, Sathanikulam Lake in Survey Nos.66/6, 67/1 the extend of 46 hectors situated at Sathanipatti village, Andakulam post, Kulathur Taluk, Pudukottai district as per The 4th respondent proceedings in Na.Ka.thi-3/1859/2019 dated 13.12.2019, the 5th respondent proceedings in O.Mu.5941/2021/A1 dated 18.10.2021, the 1st respondent proceedings in O.Mu.No.17949/2022/E1 dated 29.07.2022, and O.Mu. 5012/2023 dated 10.08.2023.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for R1 and R7



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ORDER

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(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The relief sought for in the Writ Petition is to direct the respondents 1 to 7 to remove the encroachment of public cemetery in Survey Nos.39/2 to the extent of 57 Ares, Sathanikulam Lake in Survey Nos.66/6, 67/1, to the extent of 46 hectores situated at Sathanipatti village, Andakulam post, Kulathur Taluk, Pudukottai District as per the 4th respondent proceedings in Na.Ka.thi-3/1859/2019 dated 13.12.2019, the 5th respondent proceedings in O.Mu.5941/2021/A1 dated 18.10.2021, the 1st respondent proceedings in O.Mu.No.17949/2022/E1 dated 29.07.2022 and O.Mu.5012/2023 dated 10.08.2023.

2. By consent of both sides, this Writ Petition is taken up for final hearing at the admission stage itself. In view of the order proposed to be passed in this Writ Petition, protecting the interest of the eighth respondent also, notice to the eighth respondent is dispensed with.

3. Learned counsel for the petitioner mainly contend that the encroachment in water body and cemetery have not have been removed, despite the representation submitted by the petitioner.



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4. The District Collector / first respondent and the 5th respondent are directed to conduct survey and initiate all appropriate actions to remove the encroachments by following the procedures as contemplated under the relevant statutes. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of with the above directions. No costs.

[S.M.S.J.] & [V.L.N.J.]
10.10.2023

NCC :Yes/No
Index :Yes/No
SJ

To

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4.Executive Engineer,
Public Work Department (PWD),
Water Resources Department,
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5.The Revenue Divisional Officer,
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6.The Tahsildar,
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