



W.P.No.23593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

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V.Balakrishnan

... Petitioner

Vs.

1. The District Collector,
Villupuram District at
Villupuram- 605602.
2. The Revenue Divisional Officer,
Tindivanam, Villupuram District 604 001.
3. The Block Development Officer,
Olakkur, Sendamangalam, Saram,
NH-45, GST Road, Villupuram District 604 307.
4. The Tahsildar, Tindivanam Taluk,
Villupuram District 604 001.

5. Mrs. E.Amutha

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to
remove the encroachments of the 5th respondent from the Village Pond,



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comprised in New Survey No.78/1, Aathipakkam Vilage, Tindivanam Taluk, Villupuram District, Ares 2.50 = about 6 cents and consequently to restore the pond to its original position, within the time fixed by this court.

For Petitioner : Mr.K.Premkumar
For Respondents : Mr.A.Edwin Prabakar,
State Government Pleader
for respondents 1 to 4.

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)
This writ petition has been filed to direct the respondents 1 to 4 to remove the encroachments of the 5th respondent from the Village Pond, comprised in New Survey No.78/1, Aathipakkam Vilage, Tindivanam Taluk, Villupuram District, Ares 2.50 = about 6 cents and consequently to restore the pond to its original position, within the time fixed by this court.

2. According to the petitioner, the 5th respondent, who is the resident of Puthanandal Village, has encroached upon the said pond by putting up fencing and has closed the entire pond by dumping earthen mud and thereafter, started agricultural activities in the said pond. The petitioner made several complaints and though it was replied by the first respondent,



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vide letter dated 03.01.2024, informing that necessary instructions are issued to the respondents 3 and 4 to remove the encroachment made upon the said pond, till now there is no progress to the same. Hence this writ petition.

3. The learned State Government Pleader appearing for the respondents 1 to 4 submitted that, necessary action will be taken by the Tahsildar concerned to remove the encroachment by issuing notice under the Land Encroachment Act to the encroachers.

4. Considering the narrow scope of the prayer made in the writ petition and without going into the merits of the matter, the fourth respondent/ Tahsildar, Tindivanam Taluk is directed to take action with regard to the alleged encroachments, after following the due process of law, and pass appropriate appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and also the interested parties. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 5. With the above direction, this writ petition is disposed. There shall be no order as to costs.

(D.K.K., A.CJ.) (P.B.B.J.)
20.08.2024

Internet: Yes/No
Index : Yes/No
mst

To

1. The District Collector,
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THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

mst

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