



W.P.No.34709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.34709 of 2024

M.Manoharan

S/o.Mani

... Petitioner

VS

1. The District Collector
Villupuram District
Villupuram

2. The Tahsildar
Melmalaiyanur Taluk
Melmalaiyanur
Villupuram District

3. Balaraman
S/o.Ellappan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying
for issuance of a writ of mandamus directing respondents 1 and 2 herein



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to remove the encroachments caused by the third respondent in the water channel (Odai) in Survey No.84/7 situated at Kottapoondi Village, Melmalaiyanur Taluk, Villupuram District by considering the petitioner's representation dated 15.03.2024 within a time frame.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.T.K.Saravanan
Govt. Advocate for R1 and R2

ORDER

(Order of the Court was made by K.RAJASEKAR, J.)

This writ petition has been filed seeking a direction to remove the encroachment in Survey No.84/7, Kottapoondi Village, Melmalaiyanur Taluk, Villupuram District, which is classified as “Odai”.

2. The writ petitioner has already sent a representation dated 15.03.2024 to the District Collector and Tahsildar of Melmalaiyanur Taluk stating that the third respondent herein has encroached the Odai Poramboke and constructed a building and has also altered the water channel.



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3. The learned counsel for the writ petitioner submitted that due to the encroachment made by the third respondent in the water channel, flow of water has been blocked because of which the Agriculturist could not do their agricultural work.

4. Issue notice to official respondents i.e., Respondents 1 and 2.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 and R2.

6. Considering the limited scope of the prayer, the main writ petition is taken up for final disposal in the admission board with the consent of both sides.

7. The learned Government Advocate, on instructions, would submit that already Tahsildar issued Form I to the Block Development Officer and instructed to take appropriate steps under the Tamil Nadu Panchayats Act.

8. Considering this submission and the fact that the said land has been classified as “Odai Poromboke”, we are inclined to issue direction



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to the official respondents to consider the representation of the writ petition and proceed in accordance with law as per the Panchayats Act.

We also make it clear that as far as the private respondent is concerned, all rights and contentions are preserved. The official respondents are directed to conduct survey after giving opportunity to the private respondent and all concerned, appropriate orders shall be passed within a period of 12 weeks from today.

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

[M.S., J]

[K.R.S., J]

25.11.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
gpa



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To

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1. The District Collector
Villupuram District
Villupuram
2. The Tahsildar
Melmalaiyanur Taluk
Melmalaiyanur
Villupuram District



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**M.SUNDAR,J.,
and
K.RAJASEKAR, J.,

gpa**

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