



W.P.(MD) No.15455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.15455 of 2024

M.Veerapandi

... Petitioner

-VS-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer/
Chairperson-Divisional Monitoring Committee,
Sivagangai,
Sivagangai District.

3.The Block Development Officer,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

5.The Commissioner,
Devakottai Municipality,
Sivagangai District.

6.Annadurai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take necessary steps to remove the encroachment made by the sixth respondent in the water body situated in Survey No.161, Sembian Kanmai, Iravuseri Village, Devakottai Taluk, Sivagangai District by considering the petitioner's representation dated 13.04.2024 within the stipulated period as fixed by this Court.

For Petitioner : Mr.M.Murugesan
For R-1 to R-5 : Mr.P.Thilakkumar,
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader takes notice for respondents 1 to 5.

2. A perusal of the proceedings of the Tahsildar, Devakottai Taluk, Sivagangai District, dated 16.07.2024, shows that the encroachment is not in Survey No.161 at Sembian Kanmai, Iravuseri Village, Devakottai Taluk, Sivagangai District. But, it is in Survey No.25 which has also been classified as 'Government Poramboke Pathway'.



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3. Though the petitioner has sought for a Writ of Mandamus to remove the encroachments in the water body in Survey No.161, the actual encroachment appears to be in Survey No.25, which is abetting Survey No.161. Even according to the official respondents, Survey No.25 is classified as 'Poramboke Padhai'. The A-Register of the village also shows that it is classified as 'Pathway'. Hence, there will be a direction to the respondents 1 to 5, to take action to remove the encroachment in accordance with law after issuing proper notice to the sixth respondent/encroacher. Needful be done within a period twelve weeks from the date of receipt a copy of this order.

4. With the above direction, this writ petition stands disposed of.
No Costs.

[R.S.M., J.]

[L.V.G., J.]

09.08.2024

NCC : Yes/ No

Index : Yes/ No

Internet : Yes

PM



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and
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