



W.P.(MD)No.11513 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11513 of 2024

and

W.M.P.(MD).No.10259 of 2024

Loganathan

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildhar,
O/o. Tahsildhar,
Usilampatti Taluk,
Madurai District.

3.The Panchayat President,
Valanthur Panchayat,
Valanthur,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 for taking appropriate action on the petitioner's representation dated 06.05.2024 and stop the construction of water tank in the land bearing Survey No.174/17 situated at



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Chockkadevanpatti, Valanthur Panchayat, Usilampatti Taluk, Madurai District
by the third respondent.

For Petitioner : M/s.A.Rajini
For R-1 and R-2 : Mr.G.R.Vairam Santhosh
Additional Government Pleader
For R-3 : Mr.K.Christy Theboral

ORDER

Heard learned counsel on either sides.

2. The case on hand pertains to the character of Survey No.174/17, Valanthur Village, Usilampatti Taluk. The petitioner's counsel would contend that this land has been re-classified for the benefit of Adi Dravidar people and that construction of a water tank cannot be permitted. The respondents would deny this allegation. According to the respondents, the said survey number is classified as Cart Track and there are encroachments.

3. The petitioner is unable to produce any documents to show that the property has been re-classified for the benefit of Adi Dravidar persons. I therefore have to proceed on the footing that the said land has been classified as Cart Track. Even accepting the case of the respondents, in a Cart Track,



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construction cannot be allowed to come up. Therefore, the preliminary works carried out in the said survey number will have to be stopped forthwith and the materials will have to be removed. If there are encroachments by private persons in survey number 174/17, the same shall be removed after following due process of law and after issuing notice to the encroachers. But the common use of the said land comprising in Survey No.174/17 by the Adi Dravidar persons cannot be interfered with.

4. In view of the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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Madurai District.
- 3.The Panchayat President,
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Valanthur,
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G.R.SWAMINATHAN, J.

Nsr

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