



W.P.(MD)No.23369 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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V.Irulappan

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer / Monitoring Committee,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar / Chairman Taluk Level Committee,
Vathirayirupput Taluk,
Virudhunagar District.
- 4.The Block Development Officer (Village Panchayat)
Vathirayiruppu Union,
Virudhunagar District.
- 5.G.Chinnaveeran
- 6.The Inspector of Police,
Ayan Nathampatti,
Virudhunagar District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the encroachment made by the fifth respondent on the Odai running in survey No.640 of Moovaraivendran Village of Vathrayiruppu Taluk, Virudhunagar District even at least by implementing the order passed by the third respondent as early as on 01.08.2023 in his proceedings in Na.Ka.No.4/3469/2023.

For Petitioner :Mr.R.Sevugaraja

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents and the learned Government Advocate appearing for 6th respondent. Issuance of notice to the fifth respondent is dispensed with.

2. The petitioner alleges that Survey No.640 of Moovarai Vendran village is a water body. This assertion is confirmed by the learned Special Government Pleader. It is seen that on 01.08.2023, the Tahsildar, Vathrayiruppu issued communication to the jurisdictional BDO to take action for removal of the encroachment. The BDO cannot by himself physically cause



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removal of the encroachment. He can only call upon the concerned encroacher to remove the encroachment on his own. If the encroacher fails to comply with the demand, it is the Tahsildar who has to take action.

3. We therefore direct the third respondent to take action as per law. Notice shall be issued to the fifth respondent. If necessary, survey shall also be conducted. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs.

[G.R.S., J.] [B.P., J.]
03.10.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1. The District Collector / Monitoring Committee,
Virudhunagar District,
Virudhunagar.



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and

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2.The Revenue Divisional Officer / Monitoring Committee,
Sivakasi,
Virudhunagar District.

3.The Tahsildar / Chairman Taluk Level Committee,
Vathirayirupput Taluk,
Virudhunagar District.

4.The Block Development Officer (Village Panchayat)
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