



W.P.(MD) No.9672 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.9672 of 2015
and W.M.P.(MD)No.5812 of 2018

Vellaisamy

... Petitioner

Vs.

1.Secretary to Govt.,
Revenue Department, Secretariat,
Tamil Nadu Govt. Secretariat Complex,
Chennai - 9.

2.The District Collector,
Pudukkottai District Collector Office,
Pudukkottai.

3.The Tahsildar,
Thirumayam Revenue Taluk Office,
Thirumayam, Pudukkottai District.

4. Maruthappan

... 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 1 to 3 to evict the encroachment and restore the water pond and supply channel placed in Survey No.561/2 of Perungudi Revenue Village, Pudukkottai District.

For Petitioner : Mrs.K.Elil Selvi

For Respondents : Mr.S.P.Maharajan,
Spl. Government Pleader for R1 to R3
Mr.G.Mathavan for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to evict the encroachment and restore the water pond and supply channel placed in Survey No.561/2 of Perungudi Revenue Village, Pudukkottai District.

2. According to the petitioner, the fourth respondent has fenced his land along with poramboku land by destroying the rain water supply channel in the



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property in question. In this regard, the petitioner has given a representation to the respondents on 04.06.2015. However, no action was taken by the respondents. Hence, the petitioner has filed this Writ Petition.

3. According to the respondents, there is no water pond and rain water supply channel in the property in question.

4. We have carefully considered the rival submissions made by both sides.

5. Considering the facts and circumstances of the case, without going into the merits of the case, we direct the respondents 1 to 3 to consider the representation of the petitioner dated 04.06.2015, seeking for removal of encroachment, by following due process of law, after providing opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [M.S.K., J.]
09.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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