



W.P(MD)No.17769 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.08.2024

CORAM

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

W.P(MD)No.17769 of 2017

R.Sivasamy

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ram Nagar, Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Taluk Office,
Ram Nagar, Devakottai,
Sivagangai District.
- 4.The Revenue Inspector,
Devakottai Sub Division,
Devakottai Taluk,
Sivagangai District.



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5.The Village Administrative Officer,
Hanumanthakudi Group,
Devakottai Taluk,
Sivagangai District.

6.Shanmugam

7.Subbiah

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to remove the encroachments made by respondents 6 to 9 in the Oorani situated in Old S.No. 214/7 New S.No.738/9 in Sooriyan Kudiyiruppu Village, Hanumanthakudi Group, Devakottai Taluk, Sivagangai District as per representation of the villagers dated 04.01.2016 without any further delay.

For Petitioner : No Appearance

For Respondents : Mr.R.Ragavendran
Government Advocate
for R.1 to R.5

Mr.G.S.Asok Adhithyan for R.6

No Appearance for R.7 to R.9

ORDER

None appears for the writ petitioner.

2.However, PIL cannot be closed by citing the absence of the petitioner or his counsel. The prayer in the writ petition is for removing the



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encroachments in the petition mentioned Survey Numbers (Old Survey No. 214/7 and New Survey No.738/9). The case of the petitioner is that the said survey numbers have been classified as “water bodies” and that there is a direction by the Hon'ble Division Bench that the encroachments therein should be removed.

3.The learned counsel appearing for the sixth respondent on the hand submits that he filed O.S.No.109 of 2006 on the file District Munsif Court, Devakottai and obtained a decree. The defendants are the State of Tamil Nadu, represented by The District Collector and the jurisdictional Tahsildar.

4.It is stated that questioning the judgment and decree dated 20.04.2018, the Government has filed A.S.No.31 of 2018 on the file of Sub Court, Devakottai. The first appeal is posted on 20.08.2024. Since the jurisdictional Civil Court is seized of the matter, we are of the view that the rights of the parties can be governed by the outcome of the civil proceedings. We direct the learned Sub Judge, Devakottai to dispose of A.S.No.31 of 2018 as expeditiously as possible. If the first appellate Court renders finding that the suit land is a water body, then steps shall be taken for removing the encroachments.



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5.This writ petition is disposed of accordingly. There shall be no

order as to costs.

[G.R.S., J.] [B.P., J.]
08.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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Copy to
The Sub Judge, Devakottai.



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and

B.PUGALENDHI, J.

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