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W.P.(MD)NO.2576 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2576 of 2025 AND

W.M.P.(MD)Nos.1823 of 2025

V.Sakkarai

... Petitioner

Vs.

1. The District Collector,
Virudhunagar, Virudhunagar District.

2. The Revenue Divisional Officer,
Aruppukottai Sub Division,
Aruppukottai, Virudhunagar District.

3. The Tahsildar,
Kariyapatti Circle, Kariyapatti Taluk,
Virudhunagar District.

4. Sethu @ Singali

5. Mani Thevar

6. Muthu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in Arasakulam Village situated in S.No.76/2, 77 and 78 in Rayarpatty Water Tank and Arasakulam Water Tank S.No.73 and 75/3 at Kuranti Post, Arasakulam Village, Kariyapatti Taluk, Virudhunagar District on the basis of the petitioner's representation dated 13.01.2025.



For Petitioner : Mr.G.Mariappan
For R-1 to R-3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. Issuance of notice to the private respondents is dispensed with.

3. The petitioner alleges that the petition-mentioned water body have been encroached by the private respondents. He would further alleges that the private parties have filed collusive suits among themselves and on the decrees obtained therein are pressurizing the revenue authorities to issue patta in their favour. The learned Additional Government Pleader clarifies that the petition-mentioned survey numbers have been classified only as water bodies. He states that necessary steps will be taken to clear the encroachment.



4. We remind the official respondents that any decree granted by the civil Court in suits between private parties in respect of the water body has to be treated as nullity. Notices will of course be issued before any coercive action is taken. The entire exercise will be concluded within a period of four months from the date of receipt of a copy of this order. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
29th January 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Virudhunagar, Virudhunagar District.
2. The Revenue Divisional Officer,
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Aruppukottai, Virudhunagar District.
3. The Tahsildar,
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