

W.P.(MD)No.11014 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2025

CORAM

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

W.P(MD)No.11014 of 2025

M.Boominathan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Chennai-600 009.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 5.The Assistant Director of Survey,
Sivagangai District,
Sivagangai.



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6.The Revenue Divisional Officer,
Devakottai Revenue Division,
Sivagangai District.

7.The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.

8.The Deputy Inspector of Survey,
Devakottai Taluk,
Devakottai,
Sivagangai District.

9.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

10.The Assistant Executive Engineer,
Public Works Department,
Devakottai,
Sivagangai District.

11.The Executive Engineer,
Manimuthar Basin Division,
Water Resource Department,
Devakottai,
Sivagangai District.

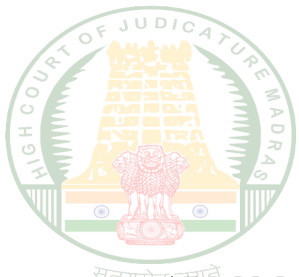
12.Arulraja

13.Bose

14.S.Rajkumar

15.S.Muneswari

16.T.Karuppiah



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17.M.Muthu
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18.S.Karthikeyan

19.K.Ramu

20.V.Kaliammal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 to 5 to dispose of the review petition filed by the petitioner dated 07.10.2023 in accordance with law.

For Petitioner :Mr.M.Musthafakhan

For Respondents :Mr.M.Ramesh Arumugam
Government Advocate
for R1 to R11

ORDER

Heard both sides.

2. The petitioner is an agriculturist. He is a resident of Ariyanenthal Village. He feels aggrieved by the encroachment of the water body in his village. The petitioner had already lodged a complaint in this regard on 07.10.2023 before the District Collector, Sivagangai and other revenue authorities. Since no action was taken, the present writ petition came to be filed.



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3. We put the learned Government Advocate on notice. We are concerned with three survey numbers namely Survey No.9/1, Survey No.5 & Survey No.76. On 22.04.2025, the following order was passed:-

“Heard both sides.

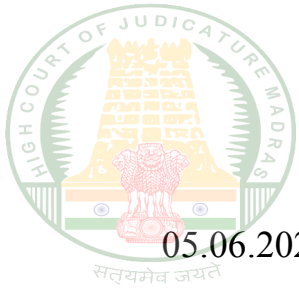
2.The petitioner is a resident of Ariyanenthal Village. He alleges that there are encroachments in Survey Nos.5, 76 and 9/1. The petitioner moved the jurisdictional Tahsildar under G.O(Ms)No.540 Revenue [LD6(2)] Department. But no action was taken. Hence, he went before the appellate committee. There also no action was taken. Then, he filed a petition before the review committee. The review committee has also not taken action. Hence, this Writ Petition is filed to direct the review committee to take action.

3.While going through the materials enclosed in the typed set of papers we notice that the allegation of the petitioner is that one Village Administrative Officer has encroached in Survey No.5.

4.The Tahsildar, Devakottai vide memorandum dated 21.02.2023 had stated that there are no encroachments in Survey Nos.5 and 76. However, subsequent memorandum dated 14.03.2024 states that 17 persons have encroached in Survey No.76. We are not happy with the way the revenue authorities have responded. It looks that since one of the encroachers is the Village Administrative Officer, effective action is not being taken.

5.The District Collector, Sivagangai District is directed to file status report on the allegations made by the petitioner.”

4. Today, when the matter was taken up for hearing, the official respondents confirmed that there are 3 encroachments in Survey No.9/1 and 11 encroachments in Survey No.5 and 16 encroachments in Survey No.76. On



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05.06.2025, notices have been issued to all the encroachers. The official respondents give an undertaking before us that all the encroachments mentioned above shall be removed within a period of three months from today.

5. Recording the stand of the official respondents, the writ petition is allowed. No costs.

[G.R.S., J.] [B.P., J.]
10.06.2025

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

1. The Secretary,
Revenue Department,
Chennai-600 009.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The District Revenue Officer,
Sivagangai District,
Sivagangai.
4. The Superintendent of Police,
Sivagangai District,
Sivagangai.

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- 5.The Assistant Director of Survey,
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Sivagangai.
- 6.The Revenue Divisional Officer,
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- 7.The Deputy Superintendent of Police,
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- 8.The Deputy Inspector of Survey,
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- 9.The Tahsildar,
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- 10.The Assistant Executive Engineer,
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