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W.P.(MD)NO.11550 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11550 of 2024 AND

W.M.P.(MD)Nos.10295 & 16632 of 2024

1. M/s.Abdul Kalam Science Farmers People Security Association,
Rep. by its State President G.Abel Moorthy,
S/o.Gurusamy,
59/2, Muthu Thevar Colony,
Virathipattu, Madurai – 625 016.

2. M/s.Abdul Kalam Science Farmers People Security Association,
Rep. by its Dindigul West President S.Naveen Kumar,
S/o.Subramanian,
Chattrapatti,
D.Pudukottai,
Dindigul – 624 614.

... Petitioners

Vs.

1. The District Collector,
Dindigul District.
2. The Block Development Officer,
Panchayat Union,
Oddanchatram,
Dindigul District.
3. The Tahsildar,
Taluk Office,
Oddanchatram,
Dindigul District.



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4. The President,
D.Pudukottai Village,
Oddanchatram Taluk,
Dindigul District.

5. N.Velusamy Gounder
6. Murugesan Gounder
7. Murugathal
8. Raman
9. Murugan
10. Senthil Kumar
11. Rajeswari
12. Vijayan
13. Muthusamy
14. Ganapathy
15. Subramanian Gounder
16. Palanisamy
17. Chinnadurai
18. K.Sekar
19. S.Selvaraj

20. The Assistant Executive Engineer,
WRD, Palani

(R-20 is suo motu impleaded vide order dated 04.03.2025)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey and to take action upon the encroachers who have encroached Survey Nos.181/1 at Seelaiyankuttai Oorani, D.Pudukkottai Village, Oddanchathiram Taluk, Dindigul District and the Water Channel running in Survey Numbers 180,181, 183, 187, 362, 122/3, 121/4C1, 122/4, 121/4C2, 80/1A, 80/B, 80/2, 117/1, 117/2, 134/1, 134/2, 134, 132/2, 181/2, 181/3, 128/1, 181, 300,



299, 353, 354, 355, 368, 364, 365 and 366 of D.Pudukkottai, Oddanchatram Taluk, Dindigul District by considering petitioner's representation dated 27.12.2023.

For Petitioners : Mr.K.R.Laxman
For R-1 & R-3 : Mr.S.R.A.Ramachandran,
Additional Government Pleader.
For R-2&R-4 : Mr.B.Saravanan,
Additional Government Pleader.
For R-5 to R-19 : Mr.D.Venkatesh

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for respondents 5 to 19.

2. It is not in dispute that the petition-mentioned survey numbers have been classified as water bodies.

3. Encroachment in water bodies cannot be permitted. The



petitioners filed this writ petition for clearing the encroachments in the petition mentioned survey numbers.

4. Today when the matter was taken up for hearing, the learned Additional Government Pleader clarified that survey was conducted and it indicated encroachment by as many as four persons. It appears that the encroachers are using the water bodies for cultivation purpose. This is also impermissible in law. Notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 have also been issued.

5. We direct the third respondent to take the process to its logical conclusion and ensure that all the encroachments are removed 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 petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
11th March 2025

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