



W.P(MD)No.33399 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2025

CORAM

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

W.P(MD)No.33399 of 2025

K.Palani

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Dindigul.
- 2.The Tahsildar,
Dindigul West Taluk Office,
Dindigul District.
- 3.The Block Development Officer,
Reddiyarchathiram Panchayat Union,
Reddiyarchathiram,
Dindigul District.
- 4.The President,
Alagupatti Panchayat,
Reddiyarchathiram,
Dindigul District.

5.Prabakaran

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.1 to 4 to remove the encroachments made by the 5th Respondent in the plan-marked Nilaviyal Odai in Survey No.118/2B in Azhagupatti Village, Dindigul West Taluk, Dindigul District which runs from Chennakulam Tank to Manthaikulam Tank in Dindigul West Taluk, Dindigul District by considering petitioner's representation dated 18.08.2025.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.C.Venkatesh Kumar,
Spl. Govt.Pleader for R1, R2 & R4.
Mr.M.Gangatharan,
Government Advocate for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1, 2 and 4 and the learned Government Advocate for the third respondent. Issuance of notice to the fifth respondent is dispensed with.

2.This is the second round of litigation. The writ petitioner had earlier filed W.P.(MD)No.10866 of 2022. The fifth respondent herein



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figured as the fifth respondent in the said writ petition also. The writ petition was disposed of on 07.06.2022 in the following terms:-

“7.1.The petitioner is directed to submit a fresh representation to the Assistant Engineer or Junior Engineer or Overseer of Water Resource Organisation of Public Works Department, who is also prescribed as an Officer under Section 6(2) of the Act, within a period of two weeks from the date of receipt of a copy of this order.

7.2.On receipt of such representation, the Officer before whom the representation is submitted by the petitioner is directed to conduct a survey and prepare a chart and register and find out whether there is any encroachment by the fifth respondent over any portion of the water body. If it is found that the fifth respondent is in encroachment of any portion of the water channel, the Officer designated under the Act, to whom the representation is submitted or forwarded, shall initiate appropriate action, as contemplated under Section 7 of the Act and take steps to remove the encroachments after following the due procedure and after issuing notice to the fifth respondent.

7.3.If the petitioner's representation is submitted to any other revenue officials, the same may also be forwarded to the Officer, who is designated under the Act and this order will be read that every one of the respondents has an obligation to



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forward such representation regarding the encroachment to the designated Officer.

7.4.The Officer, who is designated under Section 6(2) of the Act, shall commence and complete the entire exercise within a period of twelve weeks from the date of receipt of a copy of this order. The outcome of the action taken by the authorities shall also be informed to the petitioner.

8.With the above directions, this Writ Petition is disposed of. No costs.”

Pursuant to the said direction, the Thasildar, Dindigul West conducted survey. In fact, encroachment was noticed when the survey was conducted. Unfortunately, instead of taking action on his own, the Thasildar, Dindigul West chose to call upon the jurisdictional Block Development Officer to take action.

3.It is well settled that under the Land Encroachment Act, it is the Tahsildar who is competent to take action. The Block Development Officer does not have the power or jurisdiction to take action.



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4.We, therefore, direct the second respondent herein to take action as per law and remove the encroachment in question.

5.The learned Special Government Pleader would however clarify that S.No.118/2B, Azhagupatti is very much a patta land. However, a geological stream passes through the patta land. The concern of the writ petitioner is that the said stream should be preserved as such and not encroached upon.

6.The second respondent will remove the encroachment found in the said geological stream that runs through the fifth respondent's patta land. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7.This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
27.11.2025

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