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W.P.(MD)NO.31133 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.31133 of 2024**

Duraisamiyapuram Village Panchayat,  
Rep. by its President,  
V.Mallika,  
W/o.P.Velmurugan,  
No.85, Pillaiyarkovil Street,  
Keezhakarisalkulam,  
Sivagiri Taluk, Tenkasi.

... Petitioner

Vs.

1. The District Collector,  
Tenkasi.
2. The Revenue Divisional Officer,  
Tenkasi.
3. The Tahsildar,  
Sivagiri Taluk, Tenkasi.
4. Kaliammal
5. Chelladurai
6. M.Udaiyar
7. Balakrishnan
8. Thirumurugan
9. Arumugam
- 10.Durai
- 11.Petchiammal



12. Kaliammal
13. Kaliammal
14. Karuppasamy
15. Ramiah Thevar
16. Thangam
17. Palsamy

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to initiate appropriate action to remove the encroachments in S.No.236 & 285 classified as Odai and Vaikkal and S.No.235/1 and 235/2 classified as Kalam and Vandipathai respectively, situated at Thenmalai Part-2 Village, Sivagiri Taluk, Tenkasi District based on the petitioner's representation dated 25.09.2024.

For Petitioner : Mr.K.K.Udayakumar  
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. This writ petition has been filed for directing the third respondent to remove the encroachment in the petition-mentioned survey numbers.

4. When the matter was taken up for hearing, the learned Additional Government Pleader on written instructions from the third respondent, submitted that survey Nos.235/1 and 235/2 have been classified as Kalam and Natham. However, it is not in dispute that survey Nos.236 and 285 have been classified as Odai and Kalvai. He also submitted that the third respondent had already issued notice for conducting survey of the water bodies. We direct the official respondents to survey the petition-mentioned land. It is open to the official respondents to take aid of the jurisdictional police if necessary and conduct survey. If the survey reveals any encroachment, it shall be removed by due process of law within a period of four months from the date of receipt of a copy of this order. Notices shall be issued to the encroachers and they shall be given due opportunity.

**(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)**

**3<sup>rd</sup> January 2025**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No



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**G.R.SWAMINATHAN, J.**

**AND**

**B.PUGALENDHI, J.**

PMU

**To:**

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