

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Sixteenth day of October Two Thousand and Twenty

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PRESENT

The Hon'ble Mr.Justice N.KIRUBAKARAN
and
The Hon'ble Mr.Justice B.PUGALENDHI

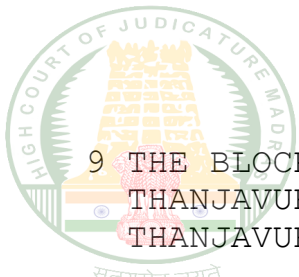
WP (MD) No.14583 of 2020

R.GAJENDHIRAN

... PETITIONER

Vs

- 1 THE DISTRICT COLLECTOR,
THANJAVUR,
THANJAVUR DISTRICT.
- 2 THE DISTRICT REVENUE OFFICER,
THANJAVUR DISTRICT,
THANJAVUR.
- 3 THE REVENUE DIVISIONAL OFFICER,
THANJAVUR DISTRICT,
THANJAVUR.
- 4 THE TASHILDAR,
PUTHALLUR TALUK,
THANJAVUR.
- 5 THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
(WATER RESOURCE DEPARTMENT),
VENNAR BASIN DIVISION,
THANJAVUR DISTRICT.
- 6 THE ASSISTANT EXECUTIVE ENGINEER,
VENNAR BASIN DIVISION,
THANJAVUR,
THANJAVUR DISTRICT.
- 7 THE SUPERINTENDENT OF POLICE,
THANJAVUR,
THANJAVUR DISTRICT.
- 8 THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THIRUKATTUPALLI,
THANJAVUR DISTRICT.



9 THE BLOCK DEVELOPMENT OFFICER,
THANJAVUR DISTRICT,
THANJAVUR.

10 R.ANBAZHAGAN

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of mandamus directing the respondents 1 to 9 to pass appropriate orders for not to allow the 10th respondent or his men and agents to cultivate in the Putharayanallur Kanmai having extent of 82.10 Acres comprised in Survey No.174A/1 situated at Putharayanallur Village, Pudhalur Taluk, Thanjavur District till the disposal of the proceeding in Na.Ka.No.A2/31235/2016 pending on the file of the 1st respondent and in the light of the order passed by this Hon'ble Court in Review Application (MD)No.43/2018 dated 25/10/2018 within the time stipulated by this Hon'ble Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.G.Thalaimutharasu, Advocate for the petitioner and of Mr.R.Murugan, Additional Government Pleader for Respondents 1 to 8, Mr.K.Mu.Muthu, Advocate for 9th Respondent and Mr.A.Sivasubramanian, Advocate for 10th Respondent, the Court made the following order:-

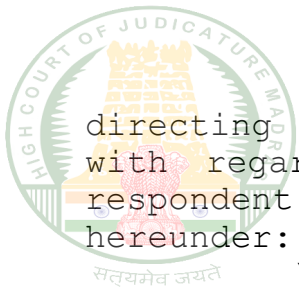
[Order of the Court was made by N. KIRUBAKARAN, J.]

The petitioner has come before this Court seeking a Writ of Mandamus, directing the respondents 1 to 9 to pass appropriate orders not to allow the 10th respondent or his men and agents to cultivate in the Putharayanallur Kanmai having an extent of 82.10 Acres comprised in Survey No.174A/1 situated at Putharayanallur Village, Pudhalur Taluk, Thanjavur District till the disposal of the proceedings in Na.Ka.No.A2/31235/2016 pending on the file of the 1st respondent and in the light of the order passed by this Court in Review Application (MD)No.43 of 2018 dated 25.10.2018 within the time stipulated by this Court.

2. Mr.A.Sivasubramanian, learned counsel, takes notice for the 10th respondent.

3. The petitioner contends that 10th respondent has encroached upon the water body and is cultivating to an extent of 82.10 acres comprised in Survey No.174A/1 situated at Putharayanallur Village, Pudhalur Taluk, Thanjavur District.

4. It is brought to the knowledge of this Court that in Review Application (MD)No.43 of 2018 in W.P.(MD)No.17868 of 2018, an order has been passed by this Court, vide order dated 25.10.2018,



directing the District Collector, Thanjavur, to conduct an enquiry with regard to the encroachment allegedly made by the private respondent. Paragraph No.4 of the said order is extracted hereunder:

"4. We are not inclined to go into the said issue, which has to be decided by the second respondent herein. Therefore, we make it clear that the order dated 11.08.2018 made in W.P.(MD)No.17868 of 2018 will have to be understood by the second respondent that we have not expressed anything on the merits of the case/question of title followed by the consequential action. Accordingly, we direct that it should not be understood by the second respondent that we have given a finding on the alleged encroachment. Accordingly, the Review Application is disposed of by directing the second respondent to pass appropriate orders, after hearing the petitioners herein as well as the first respondent/writ petitioner within a period of eight weeks from the date of receipt of a copy of this order. We make it clear that the order of the second respondent shall deal with the title and the alleged encroachment. If the second respondent finds that the petitioners have title, then, no further action is required in the matter and on the contrary, if any encroachment is proved, while giving finding that there is no title, an order of eviction should be passed in the very same proceedings. It is also made clear that the second respondent shall go into the violation of the condition of grant. Till such time, status-quo as on today shall be maintained."

5. It is stated by the learned counsel for the respondent as well as the learned counsel for the petitioner that earlier, the District Collector, Thanjavur, conducted the enquiry, however, before the enquiry was over, he was transferred.

6. It is very shocking to note that even after passing an order by this Court on 25.10.2018, the enquiry is not concluded and there was no action for the past two years.

7. Therefore, the District Collector, Thanjavur is directed to file a status report by 06.11.2020 and also to explain as to why there was no action for the past two years.

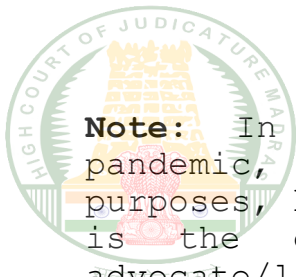
8. Post the matter on **06.11.2020**.

sd/-
16/10/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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THANJAVUR DISTRICT.
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ORDER IN
WP(MD) No.14583 of 2020
Date :16/10/2020