

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.10323 of 2015

G. Raman

Petitioner

vs.

1 The District Collector
Vellore District
Sathuvacheri
Vellore and District

2 The Executive Engineer (N.A. Thu.)
Upper Palar Catchment Division
Vellore 632 006

3 The Tahsildar
Gudiyattam Taluk
Gudiyattam
Vellore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to take action by considering the petitioner's representations dated 01.12.2014, 22.12.2014 and 29.12.2014 to remove the encroachments in Perumbodi River Channel situated in S.No.83, Perumbodi Village, Gudiyattam Taluk, within a stipulated time.

For petitioner Mr. M.S. Govindarajan
for Mr.K.A. Ravindaran

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 The petitioner, claiming to be a neighbour in Agraharam Village, Gudiyattam Taluk, Vellore District, has come with the

instant writ petition, seeking a writ of mandamus directing the respondents to take action by considering his representations dated 01.12.2014, 22.12.2014 and 29.12.2014 to remove the encroachments in Perumbodi River Channel situated in S.No.83, Perumbodi Village, Gudiyattam Taluk, within a stipulated time.

3 Pursuant to our notice dated 09.04.2015, the second respondent, viz., the Executive Engineer (N.A. Thu.), Upper Palar Catchment Division, has filed an affidavit dated 22.04.2015 stating therein that Form III notice has been issued and consequential action shall follow after obtaining reply for the purpose of removal of encroachment.

4 The learned counsel for the petitioner would submit that in view of the action, as aforestated, initiated by the authorities, no further order is necessary, at this stage.

5 On examination of the entire pleadings and also on consideration of the submissions made by the learned counsel for the parties, it is found that notice under Section 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 in Form III has been issued, as per which, the encroacher is required to submit his reply and remove the encroachment and if the same is not done within a period of 21 days, the Station House Officer of the Police Department shall provide adequate police personnel for the removal of encroachment by the authorities. In that view of the matter, we are not inclined to pass any further order, at this stage, expecting that the authorities will take the notice to its logical conclusion within the specified statutory period.

6 The writ petition stands disposed of with the above observation. Costs made easy.

cad

s/d-

Deputy Registrar (J)

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Vellore District
Sathuvacheri
Vellore and District

2 The Executive Engineer (N.A. Thu.)
Upper Palar Catchment Division
Vellore 632 006

3 The Tahsildar
Gudiyattam Taluk
Gudiyattam
Vellore District

+ 1 cc to the Government Pleader SR 23249

rj(co)
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