

IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P. No.11073 of 2015

R.Subburaj

.. Petitioner

-vs-

- 1.The District Collector,
Erode District, Erode.
- 2.The Revenue Divisional Officer,
Gobichettipalayam, Erode District, Erode.
- 3.The Assistant Engineer,
Public Works Department,
Sathyamangalam, Erode District, Erode.
- 4.The Tahsildar,
Sathyamangalam Taluk,
Erode District, Erode.
- 5.Marimuthu
- 6.Chinraj & Angan Chettiyar
- 7.Rajammal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 4 to restore the water channel running through S.Nos.155/2, 159/6, 160/1, 160/2 and 165/1, Ikkaraithattapalli Village, Sathyamangalam Taluk, Erode District as disclosed in the revenue record and to remove the encroachment made by respondents 5 to 7.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.S.T.S.Moorthy, Govt. Pleader,
assisted by Mr.V.R.Kamalanathan,
Addl.G.P. and Mr.Shanmugha
Sundar, G.A. For RR 1 to 4
: Mr.R.Varalakshmi, for RR 5 to 7

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The affidavit of the Collector / first respondent is brought on record, which was directed to be filed by our last order dated 24.07.2015, on account of conflicting reports from the Revenue officials. The Collector has examined the matter and has come to a conclusion that Survey Nos.155/2, 159/6, 160/1 and 165/1 are all patta lands belonging to private persons and the pattadars have not interfered with the flow of water in the channel in the entrance, to and exit, from their lands. They are stated to have put up a wall on the eastern side of the channel, thereby the free flow of water in the channel is not affected. There is stated to be no encroachment in the channel running through the patta lands but they had cultivated crops like coconut trees, jasmine flowers, Plantain trees, Arecnut trees, etc., in the remaining part of the patta lands. Thus, there is no encroachment to be removed.

2.In respect of Survey No.160/2, it is classified as Government poramboke land - Vari, and encroachment is stated to have been made by the fifth respondent by way of cultivation of cattle feed grass, Jasmine flowers and 16 coconut trees and that is stated to be the reason why the Tahsildar / 4th respondent was instructed to evict the above encroachments by following the procedure laid down in the Tamil Nadu Encroachment Act, 1905. It is stated that within a period of six (6) weeks, the action is expected to be completed.

3.It has also been averred that the construction of a tiled house by the fifth respondent has been treated as an encroachment with the fourth respondent taking action, but leaving 10 yielding coconut trees and 6 young coconut trees on the Government poramboke - vari land. It is in this context that the Tahsildar, Sathyamangalam, is stated to have submitted a compliance report dated 30.09.2014 in W.P.No.18102 of 2014 disposed of on 04.08.2015.

4.In view of the aforesaid affidavit, nothing really survives in this petition. We, accordingly, dispose of the same. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sra

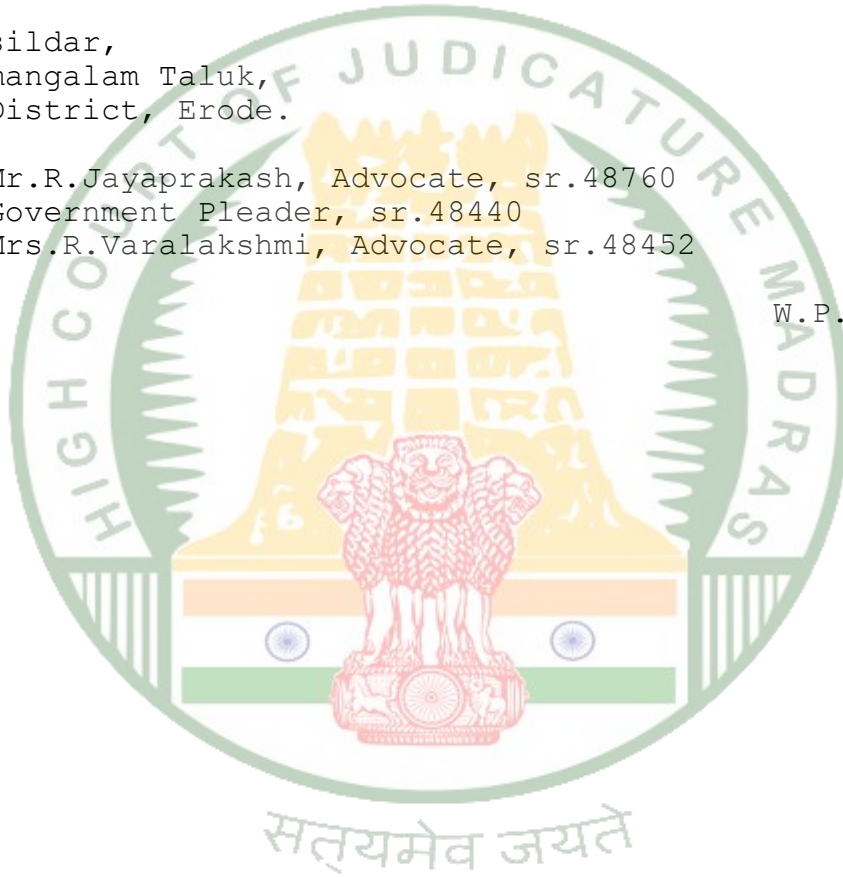
To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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- 3.The Assistant Engineer,
Public Works Department,
Sathyamangalam, Erode District, Erode.
- 4.The Tahsildar,
Sathyamangalam Taluk,
Erode District, Erode.

+1 cc to Mr.R.Jayaprakash, Advocate, sr.48760
+1 cc to Government Pleader, sr.48440
+1 cc to Mrs.R.Varalakshmi, Advocate, sr.48452

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