

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.34287 of 2014

Ramayee

Petitioner

vs.

1 The District Collector
Perambalur District

2 The Tahsildar
Perambalur Taluk Office
Perambalur District

Respondents

R3 Soundararajan
(Re is impleaded as per order of Court Dt.20/08/2015
in M.P.No.1/15)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachments made in the water channel, i.e., "Vellavari Odai" situated at Arunanurai Village, Perambalur District and to maintain the same without any encroachments and assuring the free flow of water to the agricultural lands, based on the representation dated 01.12.2014 made to the first respondent herein, within a stipulated period.

For petitioner Mr. K. Karthiyayeni

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

सत्यमेव जयते
ORDER

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

Mr.P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a direction to the respondents to remove the encroachments made in the water channel i.e., Vellavari Odai, situated at Arunanurai Village, Perambalur District and to maintain the same without any encroachments to ensure free flow of water to the agricultural lands based on the

petitioner's representation dated 01.12.2014 addressed to the first respondent.

3 According to the petitioner, she is the absolute owner of agricultural land measuring an extent of 0.69.5 ares comprised in S.No.57/5, Aranurai Village, Perambalur District and she was also issued with patta in 2014. Alongside her land, there is a water channel running, which is the source of irrigation to the agricultural lands in the said area. While so, the owner of the adjacent land, viz., one Soundarajan, has encroached upon the said water channel and has diverted the flow of water. The said encroachment is hampering the agricultural activities in the said area. Feeling aggrieved, she has addressed a representation dated 01.12.2014 to the first respondent, which had gone unheeded by the first respondent. Thus, the instant writ petition for the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider the petitioner's representation dated 01.12.2014 on its own merits and in accordance with law and take consequential action thereafter. The entire exercise shall be carried out within a period of six weeks from the date of receipt of a copy of this order. Needless to state that no adverse action shall be taken without affording an opportunity of hearing to the alleged encroachers, including the said Soundarajan.

5 With the above direction and observation, this writ petition stands disposed of. Costs made easy.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

cad
To

- 1 The District Collector
Perambalur District
- 2 The Tahsildar
Perambalur Taluk Office
Perambalur District

+1 cc to Mr.M.Raja, Advocate, sr.44292
+1 cc to Mr.J.Bharathi Raja, Advocate, sr.44488.

rj(co), kra(2/9)

W.P. No.34287 of 2014