

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P.No.19961 of 2015

M. Ganesan

...

Petitioner

Vs

1. The District Collector
Salem District
Salem.
2. The Revenue Divisional Officer
Revenue Divisional Office
Attur Taluk
Salem District.
3. The Tahsildar
Attur Taluk
Attur
Salem District.
4. The Assistant Executive Engineer
Public Works Department
Water Resource Organisation
Sarabanga Basin Sub-Division
Attur Taluk
Salem District.

5. P. Jayaraman

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the fourth respondent to remove the encroachment made by the fifth respondent in Kallaru river running in S.No.62 of Kattukottai Village, Thenutruvari, Attur Taluk, Salem District.

For petitioner ... Mr.K.K.Senthilvelan
For respondents ... Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.R.1 to 4.

O R D E R

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

Mr.P.S.Sivashanmugasundaram, Special Government Pleader takes notice on behalf of the respondents 1 to 4. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This is a yet another petition filed by the present petitioner, who was the third respondent in W.P.No.5444 of 2015 which was disposed of on 2/3/2015 with a direction to the respondents to take action for removal of the encroachment in accordance with law after affording opportunity of hearing to the petitioner herein.

3. One more writ petition being W.P.No.19735 of 2014 was filed by one Mr.V.Paneerselvam, alleging encroachment made by several other persons on both sides of Kallar river running across Kattukkottai Village, Attur Taluk, Salem District, wherein, this Court taking cognisance of the grievance, passed the following order.

"3. Despite the representation made long back i.e., before one year, no steps have been taken till date. Thus, we direct the first respondent to consider the representation and take necessary steps for removal of the encroachment. Needless to state that the authorities have to take action against all the encroachers, after affording proper opportunity of hearing. It is further clarified that if the subject in issue comes under the domain and jurisdiction of the other departments, may be Public Works Department or Water Resource Department, the District Collector is directed to take up the same with the concerned department and take appropriate action in accordance with law and on its own merits, within a period of six weeks from the date of receipt of a copy of this order."

4. The case of the petitioner in the instant petition before us is that the respondents are selective in taking steps for removal of the encroachment and as such, a direction be issued to the official respondents to make proper survey and after ear-marking the boundary, take consequential steps for removal of the encroachment, if any, by any person on both the sides of Kallar river running across Kattukkottai Village, Attur Taluk, Salem District.

5. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents 1 to 4 fairly submits that the authorities will have proper survey and after ear-marking the area, necessary steps for removal of the encroachments will be taken, after affording opportunity of hearing to all the concerned, in accordance with law, on its own merit, within a period of six weeks from the date of receipt of the copy of this order.

6. In view of the afore-stated statement made by the learned Special Government Pleader, nothing survives for adjudication at this stage. Accordingly, we direct the official respondents to have the survey of the area and after proper demarcation, take necessary steps for removal of the encroachment to protect free flow of river and the benefits to the people living in the surrounding area.

7. This writ petition stands disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
Salem District
Salem.
2. The Revenue Divisional Officer
Revenue Divisional Office
Attur Taluk
Salem District.

3. The Tahsildar
Attur Taluk
Attur
Salem District.
4. The Assistant Executive Engineer
Public Works Department
Water Resource Organisation
Sarbanga Basin Sub-Division
Attur Taluk
Salem District.

+1 cc to the Government pleader, High Court, Madras (SR 33969)
+1 cc to M/S. K.K.Senthilvelavan, Advocate (SR 33918)

W.P. No.19961 of 2015

PPA (CO)
YJ 23.07.15



WEB COPY