

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

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

W.P. No.21421 of 2015

N.V.Aswath Reddy

.. Petitioner

Vs.

- 1.The District Collector,
Krishnagiri,
Krishnagiri District.
- 2.The Sub Collector,
Sub Collector Office,
Hosur, Krishnagiri District.
- 3.The Tahsildar,
Taluk Office,
Dhenkanikottai,
Krishnagiri District.
- 4.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Melpennaiaaru Irrigation Division,
Dharmapuri.
- 5.The Junior Engineer,
Public Works Department,
Water Resources Organization,
Irrigation Division,
Dhenkanikottai-635 107
Krishnagiri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus seeking direction to the respondents to remove the encroachments made in S.No.305/1A, Anniyalam village, Dhenkanikottai, Krishnagiri District classified as "Vari Poramboke" - a water way within the time to be stipulated by the court based on the petitioner's representation.

For petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P.

ORDER

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

Seeking a direction to the official respondents to remove the alleged encroachment in Survey No.305/1A in Anniyalam Village, Dhenkanikottai, Krishnagiri District, the petitioner claiming to be a resident of the said area, has filed the instant petition.

2 It is stated that the office of the District Collector, Krishnagiri directed the fourth respondent on 4th June, 2012 to initiate necessary action. Thereafter, one more correspondence was made between the fourth respondent and the third respondent, which resulted into no further action. Thus, the instant petition has been filed seeking for a direction to the authorities for the removal of the alleged encroachment.

3 Pursuant to the notice dated 16th July, 2015 issued by us, the first respondent has filed an affidavit, stating therein that the competent officer, i.e., Assistant Engineer, Water Resource Organization, Public Works Department had issued a notice under Section 7 of the Land Encroachment Act, affording an opportunity of hearing to the alleged encroachers. Thereafter, necessary consequential action shall be taken as per law at the earliest. It is also stated in the affidavit that the departmental proceedings has been initiated under the provisions of Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules against the concerned officer, who despite clear direction issued from the office of the Collector on 4th June, 2012, had not taken further action.

4 Having regard to the aforesaid fact situation, we are of the considered opinion that no further direction is necessary at this stage. However, the competent officer, who has issued Section 7 notice, is directed to take consequential action within a period of two weeks from the date of completion of the specified period indicated in the said notice.

5 Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Krishnagiri,
Krishnagiri District.
- 2.The Sub Collector,
Sub Collector Office,
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Taluk Office,
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- 5.The Junior Engineer,
Public Works Department,
Water Resources Organization,
Irrigation Division,
Dhenkanikottai-635 107
Krishnagiri District.
6. The Assistant Engineer,
Water Resources Orginsation,
Public Works Department,
Denkanikottai-635107,
Krishnagiri District

+1 cc to Mr.A.Rajkumar Advocate sr.36601

+1 cc to Government Pleader sr.40151

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