

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-7-2015

CORAM:

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

W.P. No.22816 of 2015

V. Ravichandran .. Petitioner

Vs.

1. The District Collector,
Villupuram & District.
2. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.
3. The Tahsildar,
Sankarapuram Taluk, Sankarapuram,
Villupuram District.
4. The Assistant Executive Engineer,
Public Welfare Department,
Kallakurichi, Villupuram District.
5. Dhanasekaran
6. R. Senthil Kumar
7. R. Ravi
8. R. Ailu .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents 1 to 4 to take appropriate action and remove the encroachment of the water course (Odai) adjacent to the petitioner's agricultural land in Survey Nos.5/4 and 5/12 at Pavandur Village, Sankarapuram Taluk, Villupuram District considering the petitioner's representation dated 21.8.2014.

For Petitioner : Mr.D.Asenthamani

For Respondents 1to4: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

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

With the consent of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 4, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is stated to be aggrieved by the encroachment made on the water stream situated in S.No.5/1B, 5/2 and 5/3 at Pavandur Village, Sankarapuram Taluk, Villupuram District, by the respondents 5 to 8, which is blocking the natural flow of river water and causing overflow, so as to damage the field and property of the petitioner as well as other neighbouring residents. The petitioner made a complaint to the District Collector on 4th August, 2014, and to the Chief Minister's Cell on 21st August, 2014, about the encroachment made by the respondents 5 to 8, affecting the natural flow of the water. Thereafter the petitioner has made one more representation to the District Collector on 27th April, 2015. Despite such representations, the District Collector has not initiated any action, much less causing inspection of the area, for removal of the encroachment. Thus, the instant writ petition came to be filed.

3. The learned Special Government Pleader appearing for respondents 1 to 4 submits that the District Collector/first respondent herein will cause inspection to be made by the authorities concerned, and take necessary action for removal of the alleged encroachment in the water body, in accordance with law and on its own merits.

4. In view of the said submission, we do not find it necessary to issue notice to the private respondents 5 to 8, as the District Collector has to cause notice to the alleged encroachers/respondents 5 to 8 herein, before taking any action against them.

5. In such a given facts and circumstances, we direct the District Collector, Villupuram District/first respondent herein to examine the representations made by the petitioner, cause inspection of the area in question by the authorities concerned, and take action forthwith to remove all the alleged encroachments in accordance with law and on its own merits, after issuing notice to all the alleged encroachers. Such an exercise shall be completed within a period of four weeks from the date of receipt of copy of this order.

The writ petition stands disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector, Villupuram & District.
2. The Revenue Divisional Officer, Kallakurichi, Villupuram District.
3. The Tahsildar, Sankarapuram Taluk, Sankarapuram, Villupuram District.
4. The Assistant Executive Engineer, Public Welfare Department, Kallakurichi, Villupuram District.

1 cc to M/s. Asenthamani, Advocate, Sr. 38605
1 cc to Government Pleader, Sr. 38610

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