

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM:

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

W.P. No.26701 of 2015

Madharaman

Petitioner

vs.

1 The District Collector
Tiruvarur District Tiruvarur.

2 The Tahsildar
Taluk Office, Thiruthuraipoondi,
Tiruvarur District.

3 Ramachandran

4 Kariappan

5 Ramachandran

6 Mathialagan

7 Annadurai

8 Kasiammal

9 Gopal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus Directing the Respondents 1 & 2 herein to remove all the encroachment made in the form of putting up huts , fencing the huts, digging small ponds and laying cattle feeds like paddy straw by the respondents 3 to 9 herein on the Southern side of the Annaplar Canal running through Kannanmedu Village, Thalaikkadu, Thiruthuraipoondi Taluk, Tiruvarur District so as to have a free ingress and egress to reach the petitioner's house and agricultural lands.

For petitioner : Mr. S. Nagarajan

For Respondents : Mr. P.S.Sivashanmugasundaram

Spl. Govt. Pleader - R1 & R2

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 1 and 2. Notice to respondents 3 to 9 is dispensed with, at this stage, as no consequential action

shall be taken by the concerned authorities, on the petitioner's representation without notice to them. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, this writ petition is taken up for final disposal, at the admission stage itself.

2. Pursuant to the petitioner's representation dated 20.05.2015 alleging that the respondents 3 to 9 had made encroachments on the water canal, viz., Annaplar Canal running through Kannanmedu Village, Thalaikkadu, Thiruthuraipoondi Taluk, Tiruvarur District, the office of the District Collector, vide its communication dated 04.06.2015, directed the Tahsildar, Thiruthuraipoondi, to take action on the said representation. According to the learned counsel for the petitioner, the Tahsildar has not initiated any action thereafter.

3. Be that as it may, the question as to whether the land in question is a water canal and also whether encroachments have been made by the alleged encroachers, including respondents 3 to 9, is the subject matter of enquiry.

4 Accordingly, we direct the respondents 1 and 2 to cause survey and inspection of the area in question and thereafter, take necessary steps to remove the encroachment, if any, after proper notice to the alleged encroachers, including the respondents 3 to 9. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the aforestated observation and direction. No costs.
ra

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To

1 The District Collector
Tiruvarur District Tiruvarur.

2 The Tahsildar
Taluk Office, Thiruthuraipoondi,
Tiruvarur District.

+ 1 cc to Mr.S.Nagarajan, Advocate SR 45772
+ 1 cc to Govt.Pleader, SR 46276

nm(co)
prk22/9

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