

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.30442 of 2015 and M.P. No.1 of 2015

S. Dhanasekaran

Petitioner

Vs.

- 1 The Executive Engineer
Public Works Department
Water Resource Department (WRO)
Mettur Dam Division
Mettur Dam
Salem District
- 2 The Assistant Executive Engineer
Public Works Department
Water Resource Department (WRO)
Mettur Dam Division
Mettur Dam
Salem District
- 3 The Assistant Executive Engineer
Mettur Canal Division
Kumarapalayam 638 183
Namakkal District
- 4 The District Collector
Salem District, Salem
- 5 The Revenue Divisional Officer
Sangagiri Revenue Division
Sangagiri, Salem District
- 6 The Tahsildar
Edapadi Taluk
Edapadi
Salem District

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made in the water bodies (Oodai) in S.No.310 of Poolampatti Village and S.No.1/20 Vellarvalli Village, Edapadi Taluk, Salem District based on the letter issued by the first respondent dated 18.05.2015, forthwith.

For petitioner :Mr. M.R. Jothimanian
For RR 1-6 :Mr. N. Sakthivel
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 to 6. Notice to the private respondent is dispensed with at this stage, as no adverse order is passed against him. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the official respondents, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made in the water bodies (Oodai) in S.No.310 of Poolampatti Village and S.No.1/20 Vellarvalli Village, Edapadi Taluk, Salem District, forthwith, based on the letter dated 18 May 2015, issued by the first respondent.

3 The learned counsel for the petitioner submits that the petitioner has made a representation pointing out the aforesaid encroachments in the watercourse on 16 March 2015 to the District Collector, the fourth respondent herein. Taking cognizance of the said representation, the Revenue Divisional Officer, Sangagiri, was informed by the District Collector, Salem, on 31 March 2015, to examine the grievance of the petitioner and take consequential action. On 18 May 2015, the first respondent has addressed a letter to the petitioner informing him that suitable action would be taken to evict the encroachers, as per Government rules. Thereafter, no step was taken by the authorities as required under the provisions of law.

4 The learned Government Advocate appearing for the official respondents fairly submits that in view of the aforestated factual matrix, consequential action shall be taken on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5 In view of the above submission made by the learned Government Advocate, it is ordered accordingly. Needless to state that an opportunity of hearing be granted to the alleged encroachers before resorting to the process of evicting them from the encroachments.

6 The writ petition stands disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

- 1 The Executive Engineer
Public Works Department
Water Resource Department (WRO)
Mettur Dam Division
Mettur Dam
Salem District
- 2 The Assistant Executive Engineer
Public Works Department
Water Resource Department (WRO)
Mettur Dam Division
Mettur Dam
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Kumarapalayam 638 183
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4 The District Collector
Salem District, Salem

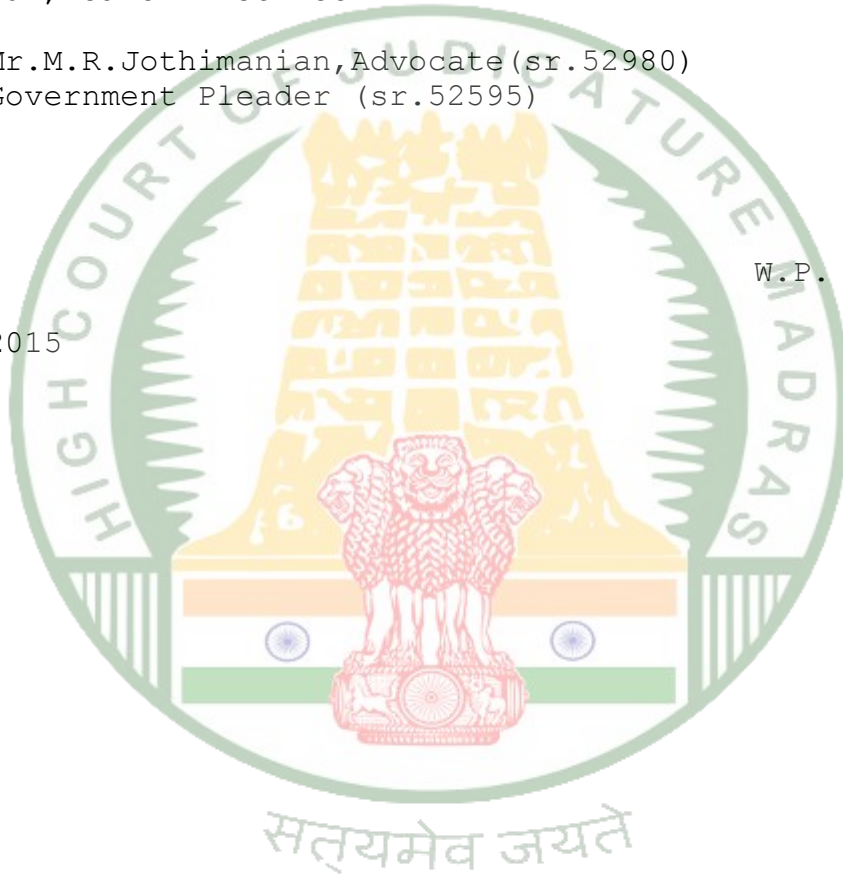
5 The Revenue Divisional Officer
Sangagiri Revenue Division
Sangagiri, Salem District

6 The Tahsildar
Edapadi Taluk
Edapadi, Salem District

+1 cc to Mr.M.R.Jothimanian, Advocate (sr.52980)
+1 cc to Government Pleader (sr.52595)

RSK(co)
cp 07/10/2015

W.P. No.30442 of 2015



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