

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-12-2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION No.38676 OF 2015

&

MP.No.1 & 2 of 2015

Nataraj

..Petitioner

-vs-

1. The District Collector,
District Collectorate,
Coimbatore.
2. The Sub-Collector,
Pollachi,
Coimbatore District.
3. The Tahsildar,
Taluk Office,
Kinathukkadavu,
Coimbatore.
4. The Block Development Officer,
Block Development Office,
Kinathukkadavu,
Coimbatore District.
5. The President,
Chokkanur Panchayat,
Kinathukkadavu,
Coimbatore District.

6. Palanisamy

... Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 to 4, to prevent the sixth respondent from forming a road by filling up the water course Vaari Poramboke in Survey No.271, 272 and 273, in Chokkanur Village, Kinathukkadavu Taluk, Coimbatore District.

For petitioner : Mr.B.Ramamoorthy

For respondents 1 to 5 : Mr.R.Vijayakumar,
Addl.Govt.Pleader.

O R D E R

Heard the learned counsel for the petitioner, and the learned Additional Government Pleader, who accepted notice on behalf of respondents 1 to 5.

2. Since this Court is not inclined to consider the merits of the allegations made by the petitioner against the sixth respondent, notice to sixth respondent is waived.

3. The grievance of the petitioner is, that a road is being laid, filling up water channel (Vaari Poramboke) in Survey Nos.271,272 and 273 of Chokkanur Village, Kinathakkadavu Taluk, Coimbatore District. Earlier, the petitioner approached this Court by filing W.P.No.319 of 2013 for somewhat an identical prayer, requesting that action be taken not to lay a road on Vaari Poramboke, which is stated to be on the left side of the lands, which are now the subject matter of this Writ Petition. The said Writ Petition was disposed of, by an order, dated 17.04.2014, directing that the representation of the petitioner be considered, after hearing the necessary parties. Thereafter, the District Collector, by an order, dated 11.09.2014, prevented the Panchayt from laying the road, and, in fact, the contract was cancelled and the money sanctioned thereto was also withdrawn.

4. Now, the grievance of the petitioner is, that an attempt is being made at the behest of the sixth respondent, to convert his agricultural lands into residential plots. The petitioner, in the representation, has pointed out, that this Court, in several decisions, has directed the Government to protect water courses and to prevent encroachment or obstruction of water courses, and, if the present attempt is permitted to be allowed, it would be contrary to the decisions of this Court.

5. In any event, the representation of the petitioner is now pending with the authorities and, therefore, this Court deems it appropriate that the said representation be considered by the competent authority, in accordance with law.

6. Accordingly, without going into the merits of the allegations made by the petitioner against the fifth and sixth respondents, respondents 1 and 2 are directed to consider the representation of the petitioner, dated 02.11.2015, and pass a reasoned order on merits and in accordance with law, after putting on notice, all concerned. This direction shall be complied with, within a period of six weeks from the date of receipt of a copy of this order. Till then, the status quo, which is prevailing as on date, shall be maintained.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.Nos.1 and 2 are closed.
Dixit

Sd/-

Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
District Collectorate,
Coimbatore.
2. The Sub-Collector,
Pollachi,
Coimbatore District.
3. The Tahsildar,
Taluk Office,
Kinathukkadavu,
Coimbatore.
4. The Block Development Officer,
Block Development Office,
Kinathukkadavu,
Coimbatore District.
5. The President,
Chokkanur Panchayat,
Kinathukkadavu,
Coimbatore District.

+1 C.C. To MR.B.Rama Moorthy, Advocate in SR.NO.65990

+1 C.C. To The Government Pleader in SR.NO.66156

W.P.No.38676 OF 2015

UG(CO)
sd : 11/12/2015



WEB COPY