

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.39485 of 2015

A. Magudeswarasamy

Petitioner

vs.

1 The District Collector
Tiruppur, Tiruppur District

2 The District Revenue Officer
Tiruppur, Tiruppur District

3 The Revenue Divisional Officer
Udumalpet, Tiruppur district

4 The Tahsildar
Maduthukulam
Tiruppur District

5 K. Kumaravel

6 K. Karuppan Gounder

7 V. Chelladurai

8 K. Veerappan Gounder

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent authorities 1 to 4 to remove the encroachment made by the respondents 5 to 8 in the Government poramboke vaari comprised in S.Nos.297, 298, 300/1 and 303 situated at North Shankarmanalur, Mylapuram Village, Tiruppur District and to provide free flow of water by considering the petitioner's representation dated 19.11.2015.

For petitioner Mr. K. Myilsamy

For RR 1-4 Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 4. Notice to respondents 5 to 8 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader, 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 4 to remove the encroachment made by the respondents 5 to 8 in the Government vaari poramboke comprised in S.Nos.297, 298, 300/1 and 303 situated at North Shankarmanalur, Mylapuram Village, Tiruppur District and to provide free flow of water by considering the petitioner's representation dated 19 November 2015.

3 At the outset, it is to be pointed out that the petitioner has made the representation in question only on the 19th ultimo. However, without giving a reasonable time to the authorities to consider and pass orders on the same, the petitioner has virtually rushed to this Court by filing the instant writ petition seeking a direction to the authorities concerned to remove the encroachment made by the private respondents to protect his private land.

4 Given the nature of relief sought in this writ petition, we are not inclined to adjudicate the dispute qua the nature of the land. However, we deem it fit and proper to direct the authorities concerned to examine the petitioner's grievance and it is accordingly directed. On such examination, if it is found that there is an encroachment on the embankment of water body causing obstruction in the free flow of water, the authorities are under an obligation to initiate action, forthwith, in accordance with law and ensure that no encroachment continues as the same may result in catastrophic condition, in future. Such exercise has to be completed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of accordingly sans costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad
To

- 1 The District Collector
Tiruppur, Tiruppur District
 - 2 The District Revenue Officer
Tiruppur, Tiruppur District
 - 3 The Revenue Divisional Officer
Udumalpet, Tiruppur district
 - 4 The Tahsildar
Maduthukulam
Tiruppur District
- +1 cc to M/S.K.Myilsamy Advocate sr.67700

W.P. No.39485 of 2015

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