

In the High Court of Judicature at Madras

Dated: 07.04.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No. 9980 of 2015

A. Raja

.. Petitioner

vs.

1. The Collector
Salem District, Salem.

2. The Sub-Collector
Mettur, Salem District.

3. The Revenue District Officer
Omalur Taluk, Omalur
Salem District.

4. The Tahsildar
Omalur, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representations of the petitioner dated 29.12.2014 and 27.01.2015 and issue an appropriate direction to the respondents to remove all the encroachments made on the water bodies comprised in Survey Nos.59/1 and 60 of Vellakanlanpatti Village, Omalur Taluk, Salem District by implementing the communication of the 4th respondent dated 26.12.2014.

For Petitioner : Mr. R. Chithiraputhiran
For Respondents : Mr. S.T.S. Murthi
Govt. Pleader.

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner, a resident of Sammannypadi Post, Omalur Taluk, Salem District alleges that a water source situated in S.Nos.59/1 and

60 of Vellakanlanpatti Village is sought to be encroached upon by a granite company and that pond serves not only the village, where it is located, but also the village of the petitioner. The allegation is that the pond was encroached upon by fencing nearly three acres, thereby blocking free flow of water in the area. The petitioner claims to have sent a representation on 10.12.2014 and in response thereto, the fourth respondent, vide his reply dated 26.12.2014, is alleged to have acknowledged this fact.

2. A perusal of the Memorandum dated 26.12.2014 shows that the lands comprised in Survey Nos.60/1 and 60/2 are classified as catchment poromboke and Survey Nos.60/3A, 60/3B, 60/3C, 60/4A and 60/4B are patta lands belonging to a private establishment, namely, Ashok Granite. However, the land in Survey No.59/1 to an extent of 1.27.0 hectares has been classified as catchment poromboke. One part of this land, as per the report of the Revenue Inspector, is being used by the people of the area as burial ground, while, on the other hand, eight houses have been constructed and the balance area has been encroached upon by a granite company for dumping waste granite stones. Directions have thus been passed by the Tahsildar vide his Memorandum to measure the encroached area in Survey Nos.59/1 and 60 for eviction and forward a report.

3. Learned counsel for the petitioner alleges that despite this Memorandum, no action has been taken in this behalf.

4. We, thus, direct the fourth respondent/Tahsildar to proceed in accordance with his Memorandum dated 26.12.2014 expeditiously, but not later than one month of the receipt of the order, by taking appropriate action after notice to all concerned and remove encroachment, if it is found.

5. The writ petition accordingly stands disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Copies to;

1. The Collector
Salem District, Salem.
2. The Sub-Collector
Mettur, Salem District.

3. The Revenue District Officer
Omalur Taluk, Omalur
Salem District.

4. The Tahsildar
Omalur, Salem District.

+1 cc to M/s.P.Chitraputran, Advocate,SR.19059.

rsi(co)
krd 16/4

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