

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.8187 of 2014

D.Murugesan ... Petitioner

-vs-

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Katpadi Taluk,
Vellore District.

3.The Executive Engineer,
Public Works Department,
Vellore.

4.Jayaraman
5.Saraswathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to take action against the respondents 4 and 5 who have encroached and converted the pond (Rangappanaicken Kuttai) situated in S.F.No.40, No.126, Kalampet village, Vellore District, in an extent of 57.5 cents (0.23 Ares), pursuant to the representations dated 02.04.2012 and 05.09.2012 made to the official respondents as per the time frame fixed by this Court and restore the existence of the said pond enabling the villagers to utilise the said Kulam as utilised earlier.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.V.R.Kamalanathan
Addl. Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1 to R3
Mr.S.Sounthar for R4 & R5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

It is not disputed that the land in question is really a Government pond, though there appears to be no water there for long period of time. The stand of the private respondent Nos.4 and 5 is that they have been given only usufructs rights, for which charges are paid and there is no cultivation of the land. Such right is in respect of coconut and mango trees.

2. We are not inclined to entertain the public interest litigation and the writ petition is dismissed. No costs.

bbr

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Tahsildar,
Katpadi Taluk,
Vellore District.
- 3.The Executive Engineer,
Public Works Department,
Vellore.

+ 1 cc to Mr.A.Rajendran, Advocare SR 35470

+ 1 cc to Mr.S.Sounthar, Advocate SR 35033

+ 1 cc to Govt.Pleader SR 35303

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