

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.7.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.11703 of 2016
and
W.M.P.No.12741 of 2016

T.Vedhachalam

Petitioner

Versus

1 The District Collector
Salem District Salem

2 The Assistant Engineer
Public Works Department Omalur
Salem District

3 The Tahsildar
Omalur Taluk Omalur Salem District

4 The Executive Officer
Tharamangalam Town Panchayat Tharamangalam
Salem District

5 S.K.Balasundaram

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment and to demolish the illegal construction made by the 5th respondent on the water tank (as per government records Kuttai) situated in Survey No.170/2 in Tharamangalam Village Omalur Taluk Salem District and to restore the tank to its original position.

For petitioner : Mr.V.Elangovan
For RR1 to 3 : Mrs.A.Srijayanthi,
Special Govt. Pleader
For R4 : Mr.P.Chinnadurai
For R5 : Mr.G.Surya Narayanan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment and to demolish the illegal construction the made by the 5th respondent on the water tank (as per government records Kuttai) situated in Survey No.170/2 in Tharamangalam Village Omalur Taluk Salem District and to restore the tank in its original position.

3. When the matter came up for hearing on 30.3.2016, this court had passed the following order:-

"It is stated that the fifth respondent, who happens to be the President of the fourth respondent Panchayat, is obliged to ensure that water bodies and Government lands are fully protected and no encroachment takes place therein. Contrary to is duty and obligation, the fifth respondent himself has made encroachment on the water tank called "Kuttai" situated in S.No.170/2 at Tharamangalam Village, Omalur Taluk, Salem District. Issue notice to the respondents returnable in three weeks. Mrs.A.Srijayanthi, learned Special Government Pleader, accepts notice for RR1 to 3. Mr.P.Chinnadurai, learned counsel, accepts notice for R4. The first respondent, viz., District Collector, Salem, is directed to cause inspection. If, on inspection, it is found that the aforesaid tank has been encroached by the fifth respondent, immediate steps should be taken to remove the encroachment in accordance with law. It is also open to the District Collector to consider as to whether such an elected representative is entitled to continue as an office bearer of the fourth respondent Panchayat. Post on 20.04.2016."

4. It appears that as per the direction issued by this court to the District Collector, viz., first respondent, the learned Special Government Pleader has produced a copy of the letter sent by the fourth respondent to the the District Collector stating that the encroacher had been evicted.

Therefore, this court is of the view that no further orders are necessary. The writ petition is closed. No costs. The connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The District Collector
Salem District Salem
- 2 The Assistant Engineer
Public Works Department Omalur
Salem District
- 3 The Tahsildar
Omalur Taluk Omalur Salem District
- 4 The Executive Officer
Tharamangalam Town Panchayat Tharamangalam
Salem District

+1 cc to Mr.P.ChinnaDurai Advocate sr 39498

+1 cc to G.Surya Narayanan Avocate sr 39928

+1 cc to Mr.S.Doraisamy Advocate sr 39596

सत्यमेव जयते

W.P.No.11703 of 2016

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