

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

W.P. No.11924 of 2016

A.Murugesan

.. Petitioner

Vs.

- 1.The District Collector,
Villupuram District.
- 2.The District Revenue Officer,
Villupuram,
Villupuram District.
- 3.The Revenue Divisional Officer,
Kallakurichi Post & Taluk,
Villupuram District.
- 4.The Tahsildar,
Chinnasalem Post & Taluk,
Villupuram District.
- 5.The Block Development Officer (Village Panchayat),
Chinnasalem Post & Taluk,
Villupuram District.
- 6.The President,
Karunthalakurichi Village & Post,
Chinnasalem Taluk,
Villupuram District.
- 7.Muthukumarapillai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 6 to consider the representation dated 30.11.2015 sent by the petitioner within the time fixed by the court and consequently direct the respondents 1 to 6 to restrain the 7th respondent from making any encroachment, namely "Karunguttai" (Sandpond) in S.No.51/7 of Karunthalakurichi village, Chinnasalem taluk and Villupuram District.

For petitioner : Mr.P.Rajavel
For Respondents: Mrs.A.Srijayanthi,
Spl.G.P for RR1 to 4
Mr.B.Anandan for R-5

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus directing respondents 1 to 6 to consider the representation of the petitioner dated 30.11.2015 and further to direct the aforesaid respondents to restrain the 7th respondent from making any encroachment, namely "Karunguttai" (Sandpond) in S.No.51/7 of Karunthalakurichi village, Chinnasalem Taluk, Villupuram District.

3 According to the petitioner, the petitioner's agricultural land is situated adjacent to the "Karunguttai" (Sandpond). The said pond is the drinking water source for the wild animals and birds. Further, water is stored in the said pond during rainy season. While so, the seventh respondent along with his two sons, has encroached upon the said pond and further created demarcation and embankment in the pond towards east to west, because of which, the water could not be stored in the pond and the ground water level is reduced. Pointing out this encroachment, the petitioner addressed a representation dated 30 November 2015 to the authorities concerned, including the official respondents 1,3,4 and 5, seeking removal of the said encroachment. Finding no response to the said representation, the petitioner has come up with the instant writ petition, seeking the aforesaid relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent District Collector, Villupuram to consider and pass appropriate orders on the petitioner's representation dated 30 November 2015, on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the alleged encroacher, viz., the seventh respondent, before taking any consequential action, if need be.

5 The writ petition stands disposed of with the above direction and observation. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The District Collector,
Villupuram District.
- 2.The District Revenue Officer,
Villupuram,
Villupuram District.
- 3.The Revenue Divisional Officer,
Kallakurichi Post & Taluk,
Villupuram District.
- 4.The Tahsildar,
Chinnasalem Post & Taluk,
Villupuram District.
- 5.The Block Development Officer (Village Panchayat),
Chinnasalem Post & Taluk,
Villupuram District.

1 cc to M/s.P.Rajavelu, Advocate, sr.27133
1 cc to Government Advocate, sr.27379

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kra 13.05.2016

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