

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM:

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

W.P. No.15315 of 2016

Anbalagan

Petitioner

vs.

1 The District Collector
Tiruvarur District, Tiruvarur

2 The Tahsildar
Taluk Office
Thiruthuraipoondi, Tiruvarur District

3 S. Chelladurai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachment made by the third respondent herein in the 15 feet road on the southern side of the petitioner's house and in the irrigation canal on the southern side of the said 15 feet road situated in Thalakkadu Village within the Korukkai Panchayat limit, Thiruthuraipoondi Taluk, Tiruvarur District so as to have a free ingress and egress to take the agricultural products to reach the petitioner's house and agricultural lands and to irrigate the petitioner's agricultural lands.

For petitioner Mr. S. Nagarajan

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader
ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the official respondents, 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 official respondents to remove the encroachment made by the third respondent herein in the 15 ft. road on the southern side of the petitioner's house and in the irrigation canal on the southern side of the said 15 ft. road situated in Thalakkadu Village within the Korukkai Panchayat limit, Thiruthuraipoondi Taluk, Tiruvarur District, so as to have a free ingress and egress to take the agricultural products to reach the petitioner's house and agricultural lands and to irrigate the petitioner's agricultural lands.

3 According to the petitioner, on the southern side of his house, there is a 15 ft. public road and on the southern side of the said public road, there runs an irrigation canal, which is classified as canal poramboke. The said public road is the only access to reach his house and he draws water from the canal to irrigate his lands. While so, the third respondent has encroached upon the said public road and also the canal, because of which, free ingress and egress to the petitioner's house is prevented and also, the petitioner is not able to irrigate his lands. Pointing out this encroachment, the petitioner addressed a representation dated 30 November 2015 to the authorities concerned, including the official respondents herein, 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 aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the official respondents 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 third respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

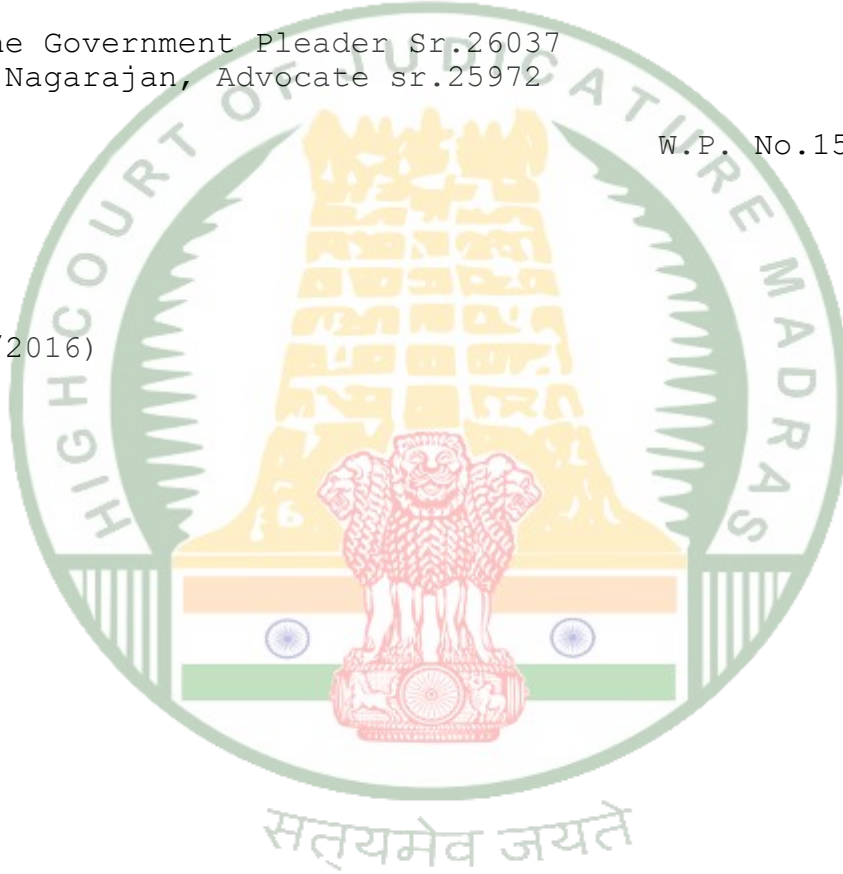
To

- 1 The District Collector,
Tiruvavarur District,
Tiruvavarur.
- 2 The Tahsildar,
Taluk Office,
Thiruthuraipoondi,
Tiruvavarur District.

+1cc to the Government Pleader Sr.26037
+1cc to S.Nagarajan, Advocate sr.25972

W.P. No.15315 of 2016

svi (CO)
srg (18/05/2016)



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