

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM:

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

W.P.No. 16615 of 2016

T. Arumugam ... Petitioner

Vs

1 The District Collector,
Cuddalore District Cuddalore.

2 The Revenue Divisional Officer,
Officer of RDO Virudachalam,
Cuddalore District.

3 The Tahsildar,
Tittakudi Taluk,
Cuddalore District.

4 The President,
Eraiur Panchayat Union,
Eraiur Village and Post,
Tittakudi Taluk,
Cuddalore-606 111.

5 Sekar

6 Dakshinamurthy

7 Krishnamoorthy

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by respondents 5 to 7 in Survey No.151/4 which is classified as river bund and to permit the petitioner to use Survey No.151/4 as pathway.

For Petitioner : Mr. V.V.Giridhar

For Respondents: Mrs. A. Srijayanthi
Spl. Govt. Pleader - R1 to R3

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Heard Mr. V.V. Giridhar, learned counsel for the petitioner and Mrs. A. Srijayanthi, learned Special Government Pleader appearing for the respondents 1 to 3. Notice to respondents 4 to 7 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3, the writ petition is taken up for final disposal, at the admission stage itself.

2. Seeking a direction to the respondents 1 to 4 to remove the encroachment made by respondents 5 to 7 in Survey No.151/4 which is classified as river bund and to permit the petitioner to use Survey No.151/4 as pathway, the instant writ petition is filed.

3. Learned counsel appearing for the petitioner submits that pursuant to the direction issued by this Court in W.P. No. 13248 of 2013, on 03.05.2013, the encroachment made in Survey No. 151/4 Eriyur Village, Thittakudi Taluk, was removed by the officers. Thereafter, the respondents 5 to 7 have again made encroachment on the land, which is classified as Erikarai (water body) in S.No. 151/4. The petitioner, noticing the encroachment on the water body, made representations on 17.02.2014, 07.04.2015 and 23.06.2015, which had gone unheeded by the authorities and as such, the petitioner has come up with the instant writ petition for the aforestated relief.

4. It appears that the officers responsible for removal of the encroachment are sleeping over the encroachment allegedly made by the respondents 5 to 6. Thus, the first respondent is directed to look into the entire issue vis-a-vis the representations made by the petitioner and take necessary action, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
Cuddalore District,
Cuddalore.
- 2 The Revenue Divisional Officer,
Officer of RDO,
Virudachalam,
Cuddalore District.
- 3 The Tahsildar,
Tittakudi Taluk,
Cuddalore District.
- 4 The President,
Eraiyr Panchayat Union,
Eraiyr Village and Post,
Tittakudi Taluk,
Cuddalore-606 111.

+1cc to Mr.V.V.Giridhar, Advocate Sr.27260

W.P. No.16615 of 2016

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srg 19/05/2016

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