

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2016

CORAM

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

Writ Petition No.17597 of 2016

J.Agni Selvaraju

...Petitioner

Vs.

1 The District Collector
Villupuram
Villupuram District-605 602

2 The Revenue Divisional Officer
Thirukovilur Taluk,
Villupuram District-605 757

3 The Tahsildar
Thirukovilur Taluk
Villupuram District-605 757

4 The Village President
Soraiyapattu Village
Kazhumaram Post
Thirukovilur Taluk
Villupuram District-605 754

5 V.Gandhi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to dispose of petitioner's representation dated 15.02.2016 and to consider petitioner's request to remove the encroachment in Thattan Kuttai burial ground and pathway comprising Survey No. 22 situated at Soraiyapattu Village, Thiruvkovilur Taluk, Villupuram District within a stipulated time.

For Petitioner : Mr.S.Velmurugan

For Respondents : Mrs.A.,Sreejyanthi,
Spl.Govt.Pleader.

O R D E R

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

This Writ Petition is filed seeking issuance of Writ of Mandamus to the 3rd respondent to dispose of the petitioner's representation dated 15.02.2016 in respect of removal of encroachment in Thattan Kuttai, burial ground and pathway, comprising Survey No.22 situated at Soraiyapattu Village, Thirukovilur Taluk, Villupuram District.

2. The petitioner, who claims to be the resident of Soraiyapattu Village, Thirukovilur Taluk, Villupuram District, has approached the 3rd respondent against the illegal encroachment in Thattan Kuttai, burial ground and pathway, comprising Survey No.22 situated at Soraiyapattu Village, Thirukovilur Taluk, Villupuram District, by the 5th respondent. The petitioner in the said representation sought necessary action by the Revenue Department against such illegal encroachment stating that the said Thattan Kuttai provides drinking water and water for agricultural purposes and therefore, the same shall be protected.

3. The learned counsel appearing for the petitioner submits that the petitioner's representation dated 15.02.2016 is still pending before the Revenue Authorities and no action has been taken till date.

4. The learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 4, submits that the second respondent may be directed to do the needful in this regard.

5. Taking into consideration the submission made on either side, we are of the view that the second respondent authority is duty bound to take necessary action as against the representation submitted by the petitioner in respect of illegal encroachment in the village water body, viz., Thattan Kuttai. Accordingly, the petitioner is directed to submit a copy of this order in connection with his representation dated 15.02.2016 before the 2nd respondent, within 15 days from the date of receipt of a copy of this order, who, in turn, shall hold enquiry and after affording sufficient opportunity to the 5th respondent, shall take necessary steps in respect of illegal encroachments, if any, within two months thereafter. It is for the respondent-authorities to do the needful on the representation made by the petitioner seeking necessary action against the illegal encroachment, after affording sufficient opportunity to the parties concerned.

The Writ Petition is disposed of with the above direction.
No costs.

nvsri

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The District Collector
Villupuram, Villupuram District-605 602
- 2 The Revenue Divisional Officer
Thirukovilur Taluk, Villupuram District-605 757
- 3 The Tahsildar
Thirukovilur Taluk, Villupuram District-605 757
- 4 The Village President
Soraiyapattu Village
Kazhumaram Post
Thirukovilur Taluk
Villupuram District-605 754.

+ 1 cc to Mr.S.Velmurugan, Advocate Sr 28972

+ 1 cc to The Govt.Pleader, Sr 29126

KR/15/6/16

W.P.No.17597 of 2016

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