

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

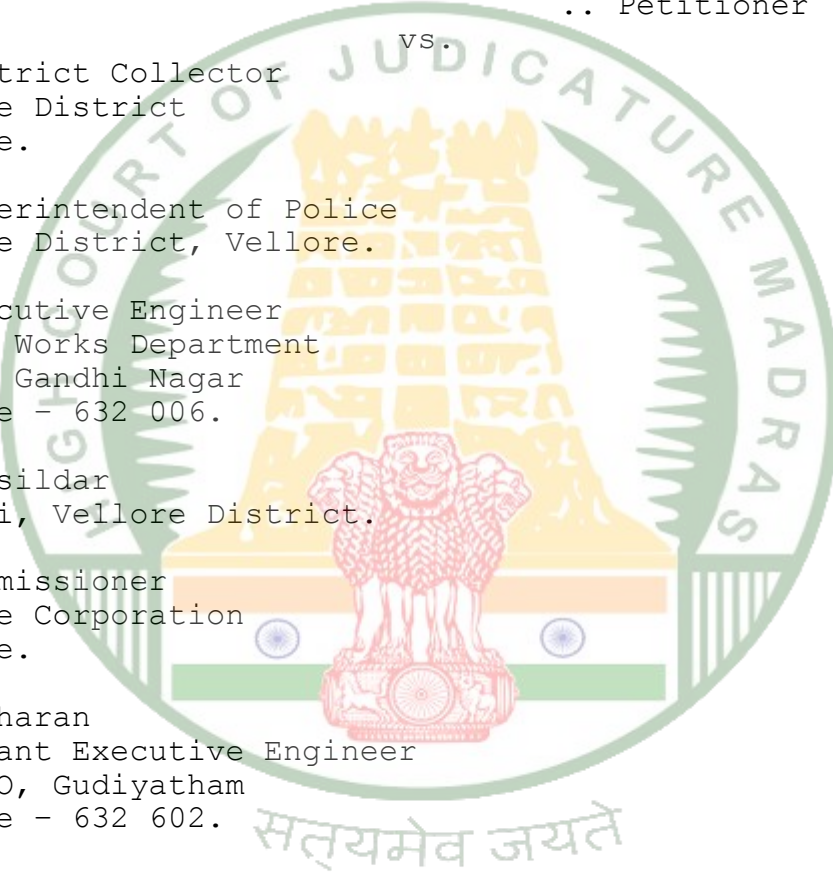
W.P.No.26589 of 2012

K.M.Mohan

.. Petitioner

vs.

1. The District Collector
Vellore District
Vellore.
2. The Superintendent of Police
Vellore District, Vellore.
3. The Executive Engineer
Public Works Department
(WRO), Gandhi Nagar
Vellore - 632 006.
4. The Tahsildar
Katpadi, Vellore District.
5. The Commissioner
Vellore Corporation
Vellore.
6. Muralidharan
Assistant Executive Engineer
PWD-DRO, Gudiyatham
Vellore - 632 602.
7. A.Krishnan
Assistant Executive Engineer
PWD-DRO, Gudiyatham
Vellore - 632 602.
8. Janakiammal
Commissioner
Vellore Corporation
Vellore.



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9. Kannan
Town Planning Officer
Vellore Corporation
Vellore.

10. Venkatesan
Ward Office No.1
Vellore Corporation
Vellore.

11. Eswaran
Sanitary Inspector, Zone-I
Vellore Corporation
Vellore.

12. Radhakrishnan
Deputy Superintendent of Police
Katpadi, Vellore District.

13. Sivalingam
Inspector of Police
Katpadi Taluk, Vellore District.
(Respondents 6 to 13 impleaded
vide order dated 25.8.2014 made
in M.P.No.1 of 2014)

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to restore the possession of the petitioner in respect of the land in S.No.619/1, Tharapadavedu Village, Kadpadi, Vellore District to an extent of 1½ cents from where he was illegally evicted and to restore all the house hold articles damaged and removed from the petitioner's house premises as stated in the representation made by the petitioner on 7.6.2012 within the time frame to be fixed by this Court and consequently forbearing the respondents from evicting the petitioner from the land in S.No.619/1, Tharapadavedu Village, Katpadi, Vellore District to an extent of 1½ cents except by due process of law.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 1 to 4, 12
and 13

Mr.Silambanan, Sr.Counsel
for M/s.P.Shanthi
for respondents 5 to 11

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner was in occupation of Eri Channel leading from Dharapadavedu to irrigation field and has since been evicted.

2. In view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 WLR 1029, there can be no question of restoration of the petitioner to water channel as even the prescribed user cannot be changed.

3. The learned counsel for the petitioner faced with this position submits that the petitioner alone should not be singled out and all such people who are similarly situated on the Eri Channel should be dealt with in a similar manner.

4. In view of the aforesaid, we direct the fourth respondent/ Tahsildar to carry out an inspection and submit the report to the third respondent/Public Works Department within a period of one month of the receipt of the order. Dependant on the report of the fourth respondent/Tahsildar, if encroachments are found in the Eri Channel, the third respondent/Public Works Department will proceed in accordance with law, after notice to all concerned, and conclude the proceedings within a maximum period of three months from the submission of the report by the fourth respondent/Tahsildar.

The petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2012 is closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To:

1. The District Collector
Vellore District
Vellore.
2. The Superintendent of Police
Vellore District, Vellore.
3. The Executive Engineer
Public Works Department
(WRO), Gandhi Nagar
Vellore - 632 006.

4. The Tahsildar
Katpadi, Vellore District.

5.The Commissioner,
Vellore Corporation, Vellore.

+1 cc to Mr.G.Sankaran,advocate,sr.66384

+1 cc to Government Pleader,sr.66725.

vd(co)
krd 29/11

W.P.No.26589 of 2012



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