

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.3695 of 2016

A. Suresh Narayanan

...Petitioner

Vs.

1 The District Collector
Namakkal District, Namakkal

2 The Tahsildar
Rasipuram, Namakkal

3 The Block Development Officer
Vennandur
Namakkal District

4 A Gunasekaran

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent and to restore the water body in Survey No.25/4, measuring about 0.75.0 hectares is classified as Sunnathu Kuttai of Kallankulam Village, Vennandhur Panchayat, Rasipuram Taluka, Namakkal District by removing the filling materials and fencing put up by the fourth respondent and also to recover the cost from the 4th respondent.

For petitioner :Mr. R. Jaikumar

For RR 1 to 3 :Mrs. A. Srijayanthi
Special Government Pleader

R4 :Notice dispense with

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent and to restore the water body, classified as Sunnathu Kuttai, in Survey No.25/4, measuring about 0.75.0 hectares in Kallankulam Village, Vennandhur Panchayat, Rasipuram Taluk, Namakkal District, by removing the filling materials and fencing put up by the fourth respondent and also to recover the cost thereon from the fourth respondent.

3 The petitioner is stated to be the President of Kallankulam Panchayat and competent to take action for removal of the alleged encroachment.

4 It is beyond our ken as to why the petitioner has approached this Court with the aforestated relief, when he himself is statutorily under an obligation to ensure that there is no encroachment on the water bodies or Government lands within his territorial jurisdiction. Thus, we are not inclined to pass any order expecting that the local authority shall exercise its power in accordance with law.

The writ petition stands dismissed with the aforestated observation. Costs made easy.

sd/-

सत्यमेव जयते
Assistant Registrar (Cs-VI)

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Sub-Assistant Registrar

cad

To

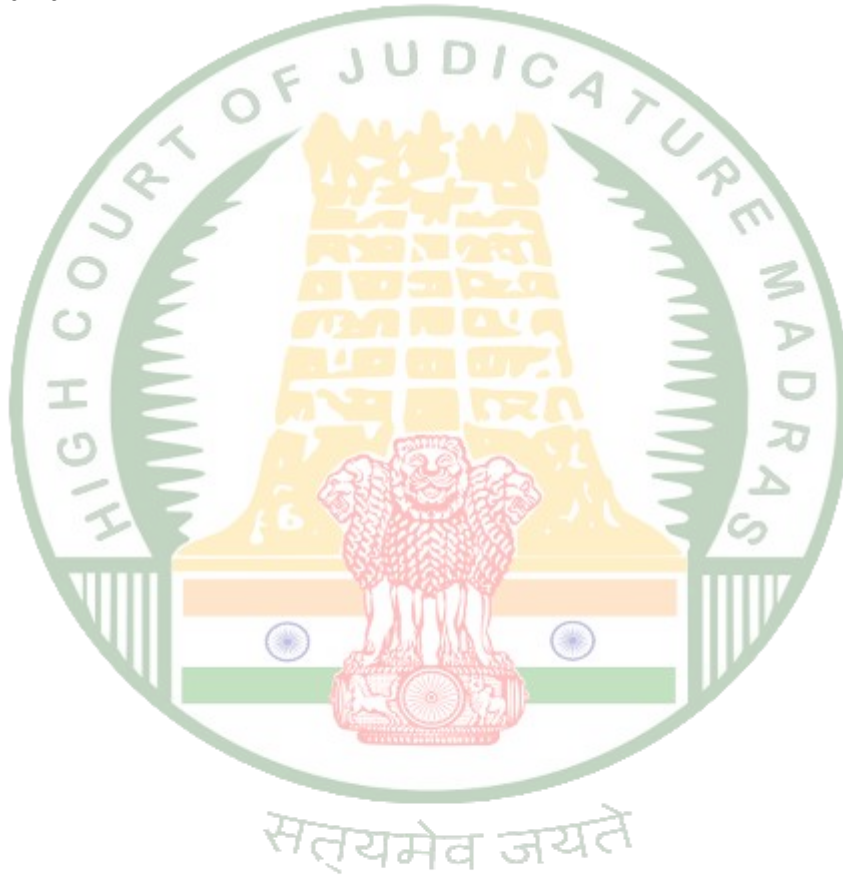
1 The District Collector,
Namakkal District,
Namakkal

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- 2 The Tahsildar,
Rasipuram, Namakkal
- 3 The Block Development Officer
Vennandur, Namakkal District

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CO-MSM
JD 11/02/2016



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