

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3784 of 2016
and
W.M.P.No.3136 of 2016

Mr.K.Jothi Raja

... Petitioner

Vs.

1. The Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3. The District Revenue Officer,
Kancheepuram District.

4. The Block Development Officer,
Panchayat Union Office,
Chitlapakkam.

5. The Panchayat President,
Mudichur,
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to stop further construction of the bund with immediate effect in order to protect the agricultural lands and consequently, to remove the bund which was constructed illegally.

For Petitioner : M/s.Swaminathan Law Associates

For respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to stop further construction of the bund with immediate effect, in order to protect the agricultural lands and consequently, to remove the bund which was constructed illegally.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows—

2-1. The petitioner had purchased a land measuring 30 cents, out of 50 cents in S.No.129/4, situated at Mudichur Village, Tambaram Taluk, Kancheepuram District, under the Sale Deed dated 13.10.2011 vide Doc.No.6489 of 2011 on the file of the Sub-Registrar, Padappai, from one Mrs.K.Thirupursaundari who had acquired the said land vide Settlement Deed dated 05.09.2005 registered as Doc.No.3474 of 2005 on the file of the Sub-Registrar, Padappai. After the purchase, the petitioner has been in possession and enjoyment of the said land.

2-2. It is further stated by the petitioner that there are two lakes in Mudichur, namely Mudichur Big Lake and Seekanan Small Type Lake. In between the Mudichur Big Lake and the Seekannan Small Type Lake, there are cultivable lands, measuring to an extent of 1.5 to 2 kms. The 5th respondent has constructed a bund on the south side, opposite to the existing bund on the north side, thereby creating bunds on the East and West sides. When enquired, the 5th respondent had orally stated that the bunds are created for the purpose of construction a walking track. But, according to the petitioner, though the 5th respondent and his men are constructing the bund which measures 10 feet high and 20 feet width, for the purpose of walking track, it ultimately resulted in the formation of another lake which very badly affects the cultivable patta lands and also blocks the flow of excess water from big lake and surroundings. The petitioner's lands, which are situated near the said lakes, are affected because of the act of the 5th respondent. Hence, the petitioner made representations to the respondents requesting to stop the further construction of the bund. Since no action was taken on the petitioner's representations, the petitioner has come forward with the present writ petition before this Court.

3. Heard both sides and perused the materials available on record.

4. Though the writ petition has been filed for the larger relief, when the matter is taken up for consideration, the learned counsel for the petitioner submitted that if a

direction is given to the respondents to consider the representation of the petitioner and to pass orders, it would suffice.

5.Considering the facts and circumstances of the case, the petitioner is directed to give a fresh representation to the 3rd respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the 3rd respondent is directed to consider the same and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, on merits and in accordance with law, within a period of three weeks thereafter.

With the above directions, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.
3. The District Revenue Officer,
Kancheepuram District.
4. The Block Development Officer,
Panchayat Union Office,
Chitlapakkam.
5. The Panchayat President,
Mudichur,
Kanchipuram District.

+1cc to M/s.Swaminathan Law Associates, Advocate, S.R.No.12373
W.P.No.3784 of 2016 and
W.M.P.No.3136 of 2016

CA(CO)
CA(16/03/2016)