

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 5.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.42558 of 2016

K.Aruldass

... Petitioner

Vs

1. The District Collector
Cuddalore District.
 2. The Revenue Divisional Officer
Virudhachalam Revenue Division
Cuddalore District.
 3. The Tahsildar
Tittagudi Taluk
Cuddalore District.
 4. The Assistant Director of Panchayat
(Rural Development)
DRDO Office, Cuddalore District.
 5. The Block Development Officer
Mangalur Panchayat Union
Tittagudi Taluk
Cuddalore District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 herein to remove the encroachment and restore the natural water body called "Vadakeri", "Naderi" "Palaya Eri" situated in Survey No.77 measuring an extent of 58.52.5 hectares or 144.5 acres situated in Kodangudi revenue village, Tittagudi Taluk, Cuddalore District within a time frame as may be fixed by the Court in terms of G.O.(Ms).No.540 (Revenue Department), dated 04.12.2014 and further direct the 4th & 5th respondents to sanction

necessary funds for its restoration and protection.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader

ORDER

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

The petitioner alleges encroachment in the natural water bodies called "Vadakeri", "Naderi" and "Palaya Eri" situated in Survey No.77 measuring an extent of 58.52.5 hectares or 144.5 acres situated in Kodangudi revenue village, Tittagudi Taluk, Cuddalore District.

2. It is the case of the petitioner that despite having taken up the matter, the issue is being shunted from one authority to the other, while it is the Tahsildar who will have power to take action in respect of such encroachment under the Tamil Nadu Land Encroachment Act, 1905.

3. The aforesaid legal position is not disputed by the learned Special Government Pleader, but he states that any direction by the Court should include the assistance to be provided by the Block Development Officer to the Tahsildar, as he is the base level officer.

4. We may say that, in fact, whoever is the competent authority should be able to requisition the assistance from any other authority required for the said purpose and thus action should have been taken by the Tahsildar concerned, if encroachments were existing, and assistance of the Block Development Officer could have been sought. Rather than doing that, the issue has been shunted from one authority to the other.

5. We direct the Tahsildar/third respondent with the assistance of the Block Development Officer/fifth respondent to cause an inspection to be made of the area within 15 days of the receipt of the order to determine the extent of encroachment, if any. Thereafter, action should be taken in accordance with law after notice to all concerned qua the encroachment and the process concluded within a maximum period of three months thereafter.

The petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
Cuddalore District.
2. The Revenue Divisional Officer
Virudhachalam Revenue Division
Cuddalore District.
3. The Tahsildar
Tittagudi Taluk
Cuddalore District.
4. The Assistant Director of Panchayat
(Rural Development)
DRDO Office, Cuddalore District.
5. The Block Development Officer
Mangalur Panchayat Union
Tittagudi Taluk
Cuddalore District.

+lcc to Mr.R. Veeramani, Advocate, S.R.No.71582

+lcc to the Government Pleader, S.R.No.71857

ug(CO)
md(14/12/2016)

सत्यमेव जयते

W.P.No.42558 of 2016

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