

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.6757 of 2016
and

W.M.P.No.6018 of 2016

K.P.Natarajan

... Petitioner

-Vs-

1. The District Collector,
Erode District, Erode.
2. The Chief Engineer,
Public Works Department,
Irrigation Section,
Erode District, Erode.
3. The Chief Engineer,
Water Resource Department,
Coimbatore Division,
Coimbatore.
4. The Assistant Engineer,
Water Resource Department,
Irrigation Section, Modakurichi,
Erode District.
5. The Assistant Executive Engineer,
Water Resource Department,
Lower Bhavani Drainage Basin
Sub-Division No.1, Erode District,
Erode.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbearing the 5th respondent, his men, agent or any other person acting through him from in any manner proceeding further pursuant to his notice dated 05.02.2016 pending disposal of the proceeding of the 1st respondent in Na.Ka.31303/2012/(vul) dated 21.01.2013 and the representation of the petitioner dated 01.02.2016.

For Petitioner : Mr.L.Chandrakumar
for Mr.R.Selvakumar

For Respondents : Mr.S.T.S.Murthi,
1 to 5 Government Pleader, assisted by
Mr.V.Shanmugasundar,
Government Advocate

O R D E R

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

It is not in dispute that the area in question is a canal land and directions have been passed in W.P.No.29015 of 2015 for clearing the canal land of all encroachments, in pursuance to the Full Bench Judgment of this Court in T.K.Shanmugam vs. State of Tamil Nadu, 2015 WLR 1029. That exercise is completed, except in the case of the petitioner.

2.The petitioner sought to represent before the concerned authorities that he may be permitted to retain the construction on giving up a patta land. This patta land is not in the canal area. The representation has been rejected by the first respondent vide proceedings dated 07.03.2016 and rightly so, as the authorities could not have granted rights in canal land even on exchange of patta.

3.Learned counsel for the petitioner faced with the aforesaid position seeks to withdraw the writ petition with indulgence that some time period may be given so that he can himself remove the construction and take it to his own patta land or otherwise.

4.In view of this aforesaid facts and circumstances, as prayed for, we grant four (4) months' time to remove the unauthorised occupation and clear the land within the said period of four (4) months.

5.An undertaking in this behalf be filed within a week with advance copy to the learned Government Pleader, failing which the respondents will forthwith take action in terms of our order dated 19.01.2016 in W.P.No.29015 of 2015.

6.Writ Petition is, accordingly, dismissed as withdrawn in terms aforesaid.

7.List for compliance on 15.07.2016.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Erode District, Erode.
2. The Chief Engineer,
Public Works Department,
Irrigation Section,
Erode District, Erode.
3. The Chief Engineer,
Water Resource Department,
Coimbatore Division,
Coimbatore.
4. The Assistant Engineer,
Water Resource Department,
Irrigation Section, Modakurichi,
Erode District.
5. The Assistant Executive Engineer,
Water Resource Department,
Lower Bhavani Drainage Basin
Sub-Division No.1, Erode District,
Erode.
6. The Section Officer,
Writ Section,
High Court, Madras.
(For listing the Case)

+2cc's to Mr.R.Selvakumar, Advocate, S.R.No.15036

W.P.No.6757 of 2016

VSN(CO)
CA(18/03/2016)