

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.7883 of 2016

S.Kandasamy

.. Petitioner

Vs.

1. The District Collector
Erode District, Erode.

2. Mahalakshmi .. Respondents

[R2 impleaded vide order dated
05.4.2016 in WMP No.8288/16]
in WP 7883 of 2016

Petition under Article 226 of The Constitution of India
praying for a writ of Mandamus directing the respondent to
remove the encroachment made in pond situated in R.S.No.104/8,
Vettai Periyampalayam Village, Nasiyanur Town Panchayat Limit,
Erode District, consequently to deepen the said pond within
stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader

O R D E R

(Made by Huluvadi G.Ramesh, J)

The petitioner seeks a direction to the first respondent to
remove the encroachment made in the pond situated in
R.S.No.104/8, Vettai Periyampalayam Village, Nasiyanur Town
Panchayat Limit, Erode District, and thereafter, to deepen the
said pond within a stipulated time.

2. The pond in question is the main source for the supply of drinking water to the residents of the Vettai Periyampalayam Village for quite long years. The said pond has not been cleaned by removing the mud and unwanted materials. Moreover, there seems to be some encroachment adjacent to the pond, preventing the inflow of water into the pond. Therefore, the petitioner made a representation on 21.7.2014, to which, the Assistant Director of Panchayat, sent a communication on 30.7.2014, stating that the Town Panchayat, Nasiyanur had passed a resolution on 15.7.2014 to deepen the said pond and also to remove the encroachment. As no action was taken to deepen the pond and to remove the encroachment, the petitioner made another representation on 25.6.2015 to the District Collector. As no steps were taken till date, the petitioner has come up with the above writ petition.

3. Though the second respondent has been impleaded, notice to the second respondent is dispensed with.

4. Considering the facts and circumstances of the case, this writ petition is disposed of, directing the first respondent to remove the encroachment near the pond, after giving an opportunity to the second respondent and in accordance with law, and thereafter, to de-silt the pond, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, WMP No.7024 of 2016 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The District Collector
Erode District, Erode.

+1cc to the Government Pleader Sr.29818
+1cc to Mr.C.Prakasam, Advocate Sr.29659

W.P.No.7883 of 2016.

rsy[co]
srg 13/06/2016