

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.8381 of 2016 and W.M.P. No.7425 of 2016

M. Mani

Petitioner

vs.

- 1 The District Collector
Tiruppur
Tiruppur District
- 2 The Sub-Divisional Officer
Amaravathi Basin
ARP Office
Tiruppur District
- 3 The Assistant Engineer
Public Welfare Department
Water Resources Organisation
Amaravathi Basin, Division No.2
Kumaralingam
- 4 The Revenue Divisional Officer
Udumalpet
Tiruppur District
- 5 The Tahsildar
Maduthukulam Taluk
Tiruppur District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the order dated 12.02.2016 on the file of the third respondent authorities and quash the same and forbearing the respondent authorities from interfering with the petitioner's agricultural land comprised in S. Nos.480/1, 469/2, 491/1, 470, 471, 472 and 482 situated at Kumaralingam Village, Maduthukulam Taluk, Udumalpet, Tiruppur District.

For petitioner Mr. K. Myilsamy
For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner's sole grievance is that the impugned order dated 12 February 2016 is passed calling upon him to remove the encroachment on the allegation that the land owned by him is obstructing the free flow of water in the water channel.

3 The learned counsel for the petitioner submits that before passing the impugned order, no opportunity of hearing was given to the petitioner to put forth his case. The petitioner is in lawful ownership of the land in question and is not obstructing free flow of any water channel or river in between. Thus, an opportunity be granted to the petitioner to explain his case before a final decision is taken by the authorities.

4 The learned Special Government Pleader fairly submits that on a perusal of the impugned order, it does not appear that any show cause notice was given to the petitioner.

5 In view of the above fact situation, the petitioner is granted two weeks time to file his explanation/representation to the impugned order. Thereafter, the authorities, on examination of the petitioner's explanation/representation, adverting to each and every objection raised by the petitioner, shall pass appropriate orders within a further period of two weeks. It is made clear that if the allegation of encroachment is found true, consequential action shall be taken in accordance with law.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Tiruppur, Tiruppur District

2 The Sub-Divisional Officer
Amaravathi Basin
ARP Office, Tirupur District

3 The Assistant Engineer
Public Welfare Department
Water Resources Organisation
Amaravathi Basin, Division No.2
Kumaralingam

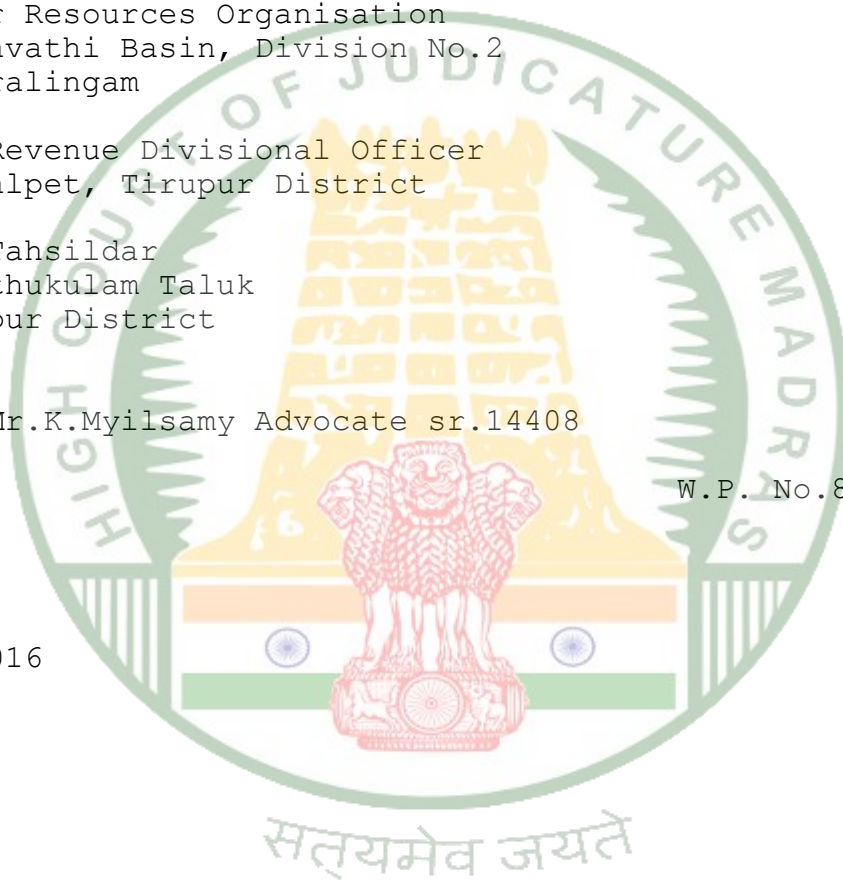
4 The Revenue Divisional Officer
Udumalpet, Tirupur District

5 The Tahsildar
Maduthukulam Taluk
Tirupur District

+1 cc to Mr.K.Myilsamy Advocate sr.14408

W.P. No.8381 of 2016

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