



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24752 of 2016

D.Rameshkumar

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Palani, Dindigul District.

3.The Tahsildar,
Office of Taluk Office,
Vedasandoor Taluk,
Dindigul District.

4.Akila

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the illegal encroachment put up by the fourth respondent in Survey No.345 and obstructing the free flow of water into the government water tank situated at Kuttam Village, Vedasandoor Taluk, Dindigul District on the basis of petitioner's representation dated 26.09.2016 within the time stipulated by this Court.

For Petitioner : Mr.N.Mariappan

For Respondents 1 to 3 : Mr.D.Muruganandam,
Additional Government Pleader

For Respondents No 4 : No appearance

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to remove encroachment alleged to have been put up by the fourth respondent so as to obstruct from flow of water to the village tank, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Kannimarpalayam Village, Dindigul District. Further it is averred in the petition that the fourth respondent has put up construction



and thereby obstructed free flow of water to village tank. Under the said circumstances, a representation has been given on 26.09.2016. But no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition, notice need not be sent to the fourth respondent.

4.Even though it has been contended on the side of the petitioner that the fourth respondent has put up construction so as to obstruct free flow of water to village tank, no relevant documents have been filed for the purpose of knowing it. Further it is seen from the records that on 26.09.2016 a representation has been given to the respondents.

5.Considering the fact that a representation has been given to the respondents on 26.09.2016, this Court is of the view to direct the third respondent to look into the same and pass necessary order. With the above observation, this writ petition is liable to be allowed.

6.In fine, this writ petition is allowed without costs and the third respondent viz., Tahsildar, Vedasandoor Taluk is strictly directed to look into the representation dated 26.09.2016 alleged to have been given by the petitioner and pass suitable order after giving proper opportunity to the petitioner within a period of two months.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Dindigul District, Dindigul.
 - 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Palani, Dindigul District.
 - 3.The Tahsildar,
Office of Taluk Office,
Vedasandoor Taluk,
Dindigul District.
- + 1cc to Mr.N.Mariappan,Advocate,SR-83543
 - + 1cc to Special Government Pleader SR-83551
 - AAM/6c/2p/10.01.2017