

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5641 of 2017

Anwardeen

.. Petitioner

Vs.

1.The District Collector
Collectorate
Udhagamandalam.

2.The Commissioner
Udhagamandalam Municipality
Udhagamandalam

3.Gunasekaran

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to take action against the 3rd respondent and to remove the illegal encroachment made in the water channel running from Mysore-Ooty Road to Sulthanpet and remove door between the Sultanpet-Mysore Road in accordance with law within a stipulated time.

For Petitioner

Mr.J.Franklin

For Respondents

Mr.M.K.Subramanian
Government Pleader
for respondent Nos.1 & 2

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.K.Subramanian, learned Government Pleader takes notice for respondent Nos.1 and 2.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing respondents 1 and 2 to take action against the 3rd respondent and to remove the illegal encroachment made in the water channel running from Mysore-Ooty Road to Sulthanpet and remove the door between the Sultanpet-Mysore Road in accordance with law within a stipulated time.

3. The petitioner alleges that the third respondent has encroached upon the water channel running from Mysore-Ooty Road to Sulthanpet and that he has put up construction blocking the free flow of water. The petitioner has given representation to the respondent authorities on 13.8.2016 to remove the encroachments made by the third respondent. However, no action has been taken by the respondent authorities. Hence, the present writ petition is filed for the relief stated supra.

4. On hearing the learned counsel for the parties, we direct the respondent authorities to consider the representation of the petitioner dated 13.8.2016 and take necessary steps to remove the encroachment in the water channel, if any, and ensure that there is free flow of water in the channel. Such exercise shall be done by the respondent authorities within three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The District Collector
Collectorate
Udhagamandalam.

2.The Commissioner
Udhagamandalam Municipality
Udhagamandalam

+1cc to the Government Pleader Sr. 14701
+1cc to Mr.J. Franklin, Advocate Sr. 14470

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MSM(CO)
VR(20/03/2017)



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