

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:22.12.2017
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
W.P.No.33647/2017

K.Palanivel

.. Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Kancheepuram District.
2. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.
3. The Revenue Inspector,
Nellikuppam,
Kancheepuram District.
4. Mr.Velayutham
5. Mr.Munusamy
6. Mr.Devaraj ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, direct the second respondent to dispose of the petitioner's representation dated 19.08.2017 and 16.10.2017 and consequently remove the obstructions and encroachments made by respondents 4 to 6, obstructing the surplus course of water from Kayar Eri, within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.C.Paul Kanagaraj
For R-1 to R-3 : Mrs.M.E.Rani Selvam, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims that he is an agriculturist
<https://hcservices.ecourts.gov.in/hcservices/> and is in possession of the land admeasuring to an extent of

00-20, 01-10, 01-25 acres in Survey Nos.887-1, 887-2, 932-2B1 of Kayar Village, Thiruporur Taluk, Kanchipuram District and land is located nearby the Kayar lake and Kayar Reserve Forest and during rainy season, the accumulated water in the lake runs through the said lands and also through the neighbouring lands of the respondents 4 to 6 comprised in Survey No.985, 887, 885, 890 and said water is also used for agricultural activities. The grievance expressed by the petitioner is that all of a sudden, the respondents 4 to 6 had obstructed the natural overflow of water from Kayar lake by raising 9 feet concrete wall and as a consequence, the water course has been interrupted and the entire agricultural lands lying in S.Nos.968, 979, 980, 981, 914, 904, 903, 897, 896, 889, 888, 984 and 887 got inundated and in this regard, the petitioner had submitted representations dated 19.08.2017 and 16.10.2017 respectively to the respondents and in spite of receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents as well as the photographs and would submit that because of the construction of the wall by the respondents 4 to 6 / private respondents herein, water is getting collected on the agricultural lands of the petitioner and on account of the same, the petitioner is unable to carry on the agricultural activities and it is also obstructing the natural flow of the water and the representations submitted in this regard to the respondents, failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing the above writ petition.

4 This Court heard the submission of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more detailed representation to the 2nd respondent by enclosing a copy of this order as well as the copies of the earlier representations and the relevant and authenticated documents in support of the claim within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent, shall put the respondents 4 to 6 on notice and after conducting due and proper enquiry, shall consider and dispose of the petitioner's representation on merits and in accordance with law and pass appropriate orders, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the respondents 4 to 6 herein.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Office of the District Collector,
Kancheepuram District.

2. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

3. The Revenue Inspector,
Nellikuppam,
Kancheepuram District.

+1cc to Government Pleader Sr.No.92485

+1cc to Mr.R.C.Paul Kanagaraj, Advocate SR.No.92305

SS(CO)

sm:19.1.2018

W.P.No.33647/2017

सत्यमेव जयते

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