

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
W.P.No.23359 of 2017

1. S.Balasubramanian
2. Santhi, W/o.Balasubramanian ... Petitioner

Vs

- 1.The Sub Collector,
Sub Collector's Office,
Sub Jail Road, Cuddalore.
2. The Tahsildar,
Taluk Office,
Beach Road, Cuddalore. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the respondents to clear the encroachment in the public water channel that flows in S.Nos.46/10, 47/2, 52/6, 51/2 and 56/1 of Thennampakkam Village, Thookanampalayam Post, Cuddalore Taluk which causes stagnation of water in adjoining lands and to prevent the damage to the crops in the petitioners land.

For Petitioner : Mr.N.Ramesh
For RR 1 and 2 : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner claims that he is the owner of agricultural lands at Thennampakkam Village admeasuring to an extent of 10 acres in R.S.Nos.46, 46/7, 43/2, 43/3, 52/8, 57/7B and patta in respect of the said lands also stands in his name. The 2nd petitioner, who is the wife of the 1st petitioner, claims that she also owns agricultural land in Rs.Nos.56/3B, 56/4, and 56/6 to a total extent of 3 acres and both petitioners claims that they are in peaceful possession

and enjoyment of the above said land and also paying statutory levies. It is further avered by the petitioners that the public water channel which goes through RS.Nos.46/10, 47/2, 52/6, 51/1 and 56/1 in the said village and the water going through the said channel has been used for irrigation purpose by the petitioner and the other land owners. It is also further stated by the petitioner that due to encroachment of the water channel, the water which comes from Periyar Eri get stagnated and diverted, which results in flooding in their lands and as such they are unable to carry out agricultural operations and in this regard, a legal notice dated 16.04.2017 was also issued and since no response is forthcoming, the petitioners are came forward to file this writ petition.

3 The learned counsel appearing for the petitioner has invited the attention of this Court to the field map as well as the photographs and would submit that due to encroachment of the water channel, the water which comes from Periyar Eri get stagnated and diverted, which results in flooding in their lands and as such they are unable to carry out agricultural operations and as a consequences the petitioners are unable to carryout agricultural operations and though, they submitted a representation in the form of legal notice dated 16.04.2017 to the 4th respondent, no response is forthcoming and therefore, petitioners are constrained to approach this Court by filing this writ petition.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents would submit that the representation sent by the petitioner in the form of legal notice is under due consideration and pass orders at an early date.

5 This Court has considered the rival submissions and also perused the typed set of documents.

6 A perusal of the field map coupled with the photographs would disclose that the water running through the periyar Eri get diverted to near by agricultural lands which may result in stagnation and that apart, the lands situated nearby the water channel get water logged which may result in impediment of their agricultural operations also.

7 This Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider the representation in the form of legal notice dated 16.04.2017 sent by the petitioner and shall cause field inspection and thereafter take appropriate action on merits and in accordance with law within a period of eight weeks and thereafter communicate the decision taken to the petitioner.

8 The writ petition stands disposed of. No costs.

Post the matter for "Reporting Compliance" on 03.10.2017.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Collector,
Sub Collector's Office,
Sub Jail Road, Cuddalore.

2. The Tahsildar,
Taluk Office,
Beach Road, Cuddalore.

+ 1 cc to Mr.N. Ramesh, Advocate SR.62746

WP.No.23359/2017

KJI (CO)

EU 18.09.17

सत्यमेव जयते

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