

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24233/2017

A.Natarajan

.. Petitioner

Versus

1.The District Collector
Villupuram District.

2.The Revenue Divisional Officer
The Revenue Divisional Office,
Villupuram District.

3.The Tahsildar
Taluk Office, Villupuram District.

4.The Executive Engineer,
The Department of Public Works,
The Department of Water Resource
& Development, Keelpennaiyaaru
Water Division, Villupuram.

5.The Public Information Officer and
Technical Personal Assistant to the
Executive Engineer,
The Department of Public Works,
The Department of Water Resource
& Development, Keelpennaiyaaru
Water Division, Villupuram.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 13.03.2017 and further direct the respondents to take necessary action for the removal of encroachments in the common public water canal measuring about 0.26.5 ares in Survey No.328 in Thirupaachanoor village, Villupuram District.

For Petitioner : Mr.S.Silambu Selvan

For Respondents: Mr.R.Vijayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner is a retired Headmaster and has rendered his services in a Government Middle School and according to him, he and his wife, are jointly owning the landed property admeasuring to an extent of 3.85 acres of agricultural land, Thirupaachanoor Village, comprised in Village Survey No.319/2, 329/2 and 330/1. The petitioner would further aver that adjacent to his land, there lies a water canal which is under the control of the 4th respondent and according to the petitioner, the said water body has been encroached by some of the anti-social elements. The petitioner, in this regard, has submitted repeated representations to the concerned officials and the Revenue Divisional Officer vide Memo in Na.Ka.No.m6/4881/2017 dated 11.08.2017, has directed the 3rd respondent to remove the encroachment and inform the same to the petitioner and also to send a report to his office.

3 The learned counsel for the petitioner would submit that despite the direction given by a superior official, the 3rd respondent is yet to take action and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents would submit that the 4th respondent has sent a communication in Letter No.nfh.1/2017/c/bgh/1-tp dated 05.09.2017, requesting the Tahsildar, Villupuram District, to measure the land and fix the boundary for the purpose of evicting the encroachers on the said water body and follow up action will be taken up by the 3rd respondent.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, in the light of the above facts and circumstances and in the light of the above cited communication

dated 05.09.2017 sent by 4th respondent, directs the 3rd respondent to carry out the exercise within a period of four weeks from the date of receipt of a copy of this order and forward necessary particulars to the 4th respondent, who on receipt of the same, is directed to initiate appropriate action under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the rules framed thereunder and take appropriate action as expeditiously as possible and not later than six weeks thereafter and communicate the decision taken, to the petitioner as well as to the encroachers.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector
Villupuram District.
- 2.The Revenue Divisional Officer
The Revenue Divisional Office,
Villupuram District.
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Taluk Office, Villupuram District.
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- 5.The Public Information Officer and
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Executive Engineer,
The Department of Public Works,
The Department of Water Resource
& Development, Keelpennaiyaaru
Water Division, Villupuram.

+ 1 cc to Mr.S.Silambu Selvan, Advocate,SR.65506

+ 1 cc to The Govt.Pleader, SR.65624

WP.No.24233/2017

SS (CO)
NR 05/10/2017



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