

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.25977 of 2017

R.Rangaswamy

Petitioner

Vs

1. The District Collector,
Krishnagiri District. PIN-635 115

2. The District Revenue Officer,
Krishnagiri District. PIN-635115

3. The Revenue Divisional Officer,
Krishnagiri District. Pin-635 001

4.The Tahsildar,
Tahsildar Office,
Krishnagiri. PIN-635 001

5. Samsuddin

6. Narayanamma

7. R.Muniappan

8. R.Ramesh

9. Rajendran

Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of Mandamus directing the respondents particularly the 1st and 4th respondents to remove the encroachment or blockage of Water Channel or Canal in S.No.117, Kammappalli Village, Bergur Village, Krishnagiri District.

For Petitioner : Mr.G.Mohammed Aseef

For RR1 to R4 : Mrs.M.E.Raniselvam, AGP

ORDER

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

By consent, the writ petition itself is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2. The petitioner claims that he owns certain extent of land in S.Nos.152,153,128 and 129 in Kammampalli Village which is located between Vennampalli Village and Kammampalli Village and the lands in the said survey numbers are under cultivation for very many decades by the petitioner and his family members. The said lands are getting water supply from Kallapatti Lake, Kettur Lake and Chinnapalli Lake through a water channel, which is passing through Krishnagiri - Kuppam Road South East bypass in S.Nos.117, 141, 143, 150 and 154 and the water flowing through the said channel reaches Vennampalli village and along with the said channel, a public pathway also lies in S.No.117, which is classified as "Odai Poramboke", admeasuring to an extent of 0.65.0. hectares. The grievance expressed by the petitioner is that the 5th respondent is carrying Real Estate business and he had encroached upon a part of the land in S.No.117 for his business purpose and it was also brought to the knowledge of the 1st respondent through a representation dated 23.08.2010 and however, no action has been taken so far and taking advantage of the same, the private respondent/5th respondent had totally encroached the land in S.No.117 and thereby shrinking the area of the water body. Therefore the petitioner is constrained to approach this Court by filing the present writ petition.

4. The learned counsel for the petitioner has drawn attention of this Court to the Field Map as well as the photographs and would submit that due to the illegal acts of private respondent, a portion of the water body had been filled up and access has also been blocked and despite very many representations, no action has been taken so far to address the grievance expressed by the petitioner and hence, prays for appropriate orders.

5. The Court heard the submissions of Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for the respondents 1 to 4.

6. 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 representation along with a copy of this order as well as copies

of the earlier representations to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of the same, shall call for the report from the 4th respondent, such report shall be submitted by the 4th respondent within a further period of three weeks thereafter and upon the receipt of the said report, the 3rd respondent shall put the private respondents on notice and thereafter dispose of the petitioner's representation on merits and in accordance with law, within a further period of six weeks thereafter and communicate the decision taken to the petitioner as well as to the private respondents.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cgi

To

1. The District Collector,
Krishnagiri District. PIN-635 115
2. The District Revenue Officer,
Krishnagiri District. PIN-635115
3. The Revenue Divisional Officer,
Krishnagiri District. Pin-635 001
- 4.The Tahsildar,
Tahsildar Office,
Krishnagiri. PIN-635 001

+1 cc to the Government Pleader sr 71693

W.P.No.25977 of 2017

kgk(co)
aa01/11/2017