

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.26310/2017

B.Elango

... Petitioner

Vs

1. The District Collector
Salem District, Salem.
2. The District Revenue Officer
Salem District, Salem.
3. The Revenue Divisional Officer
Mettur, Salem District, Salem.
4. The Tahsildar
Omalar Taluk, Salem District
Salem.
5. S.Poosari
6. Palanisamy
7. M.Sithaiyan
8. M.Srinivasan
9. R.Nachiammal
10. Ammasi Gounder
11. M.Selvam

... Respondents

**RR5 to 11 impleaded as per the order of this
Court made in WMP.No.29313/2017
dated 06.11.2017.

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 herein to forthwith consider and pass orders on the representation of the petitioner dated 05.08.2017 seeking removal of all the encroachments of Odai [Stream] beginning from Mettupatty Panchayat Road, [Karumbalai Stop to Burn Standard Mines] in between S.Nos.121 and 136 to the width varying from 2.6 meters to 14.2 meters, which runs through the lands in S.Nos.121/3A, 121/1, 120/2A, 120/1A, 155, 156 till Meer Samudram Eri [Lake] and restore the said Odai [Stream].

For Petitioner : Ms.Muthumani Doraisami

For R1 to R4 : 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 to 4.

2. The petitioner in the affidavit filed in support of this writ petition, would aver among other things that he was the Councilor for Ward No.15, Karuppur Town Panchayat for the period between 2011 and 2016 and during his tenure as the Councilor, he has served the public in and around the Karuppur Town Panchayat for their well-being. The petitioner would further aver that as per the revenue records such as FMB sketch and "A" Register, maintained by the respondents, there is an Odai [Stream] which begins from Mettupatty Panchayat [Karumbalai bus stop to Burn Standard Mines] in the lands comprised in S.Nos.121 and 136 and it was having the width of 2.6 meters and it runs through the lands in S.Nos.121/3A, 121/1, 120/2A, 120/1A, 155, 156 till Meer Samudram Eri [Water Body] and also the width of the said water body at that place is 14.6 meters and the water getting accumulated in the said lake is used for irrigation purposes by the agriculturists. It is the specific case of the petitioner that the said water stream had been encroached upon by the private respondents, viz., respondents No.5 to 11, to an extent of 200 meters and in this regard, the petitioner has submitted a representation dated 05.08.2017 to the official respondents and though it has been received and acknowledged, no action, whatsoever, has been taken so far and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before it.

4. 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, either in his representation or in this writ petition, directs the 4th respondent to put the petitioner as

well as the private respondents / alleged encroachers or any other encroachers, if any, on notice and thereafter, consider and dispose of the petitioner's representation dated 05.08.2017 on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents No.5 to 11 and the other encroachers, if any.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Salem District, Salem.
2. The District Revenue Officer
Salem District, Salem.
3. The Revenue Divisional Officer
Mettur, Salem District, Salem.
4. The Tahsildar
Omalur Taluk, Salem District
Salem.

+1cc to M/s.Muthumani Doraisamy, Advocate, S.R.No.78236
+1cc to the Government Pleader, S.R.No.79012

W.P.No.26310 of 2017

CP(CO)
CA(13/11/2017)

WEB COPY