

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2017

CORAM:

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

W.P.No.17022/2017

D.Krishnamoorthy

..

Petitioner

Vs

1.The District Collector
Cuddalore District.

2.The Revenue Divisional Officer
Virudhachalam, Cuddalore District.

3.The Tahsildar
O/o.The Tahsildar
Tittagudi, Cuddalore District.

4.Appadurai

5.Rajendran

6.Balasubramaniyan

7.Muthaiya

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents 1 to 3 to remove encroachments made in Odai Poramboke in Survey Nos.343/2, 342, 323 & 324 and Tank Poramboke in Survey No.325 situated at Kazhudur village, Cuddalore District and to maintain the same without any encroachments and assuring free flow of water based on the petitioner's representation dated 03.03.2017 within a period stipulated by this Court.

For Petitioner : Mr.R.Murali

For R1 to R3 : 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 1 to 3.

2 The petitioner, apart from being an Advocate, also claims to be an agriculturist and he would state that he owns agricultural lands comprised in RS.Nos.73/1B, 73/2B, 101/11A, 88/5, 344/3A, 345/3C, 345/4, 345/7A and 345/7G, admeasuring to an extent of 1.89 acres in Kazhudhur Village, Cuddalore District. The petitioner would further aver that there is a water body in S.No.324 wherein excess rain water used to collect and the water is being utilised through the water channel which passes in "Odai Poramboke" in S.Nos.343/2, 342, 323, 324 and Tank Poramboke situate in the same village. The grievance expressed by the petitioner is the respondents 4 to 7 who also owns agricultural lands in the nearby vicinity, are making attempts to obstruct the flow of the water through the said water channel and the petitioner, in this regard has submitted the representation dated 03.03.2017 to the 3rd respondent and despite receipt and acknowledgment, so far no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has invited the attention of this Court to the Village Register Extract and would submit that as per the Certificate given by the Village Administrative Officer of Kazhudhur Village, Thittakudi Taluk, Cuddalore District, S.Nos.342, 343 and 325 is shown as "Odai" [Water Channel] and in the event of obstruction of the same by the respondents 4 to 7, it would definitely affect the agricultural operation and therefore, prays for appropriate orders.

4 This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 Though the petitioner prays for a larger relief, this Court, in the light of above facts and circumstances and without going into the merits of the contents of the representation as well as the averments made in this writ petition, directs the 3rd respondent to put the respondents 4 to 7 on notice and thereafter, consider and dispose of the

representation dated 03.03.2017 submitted by the petitioner, on merits and in accordance with law and pass orders within a period of eight 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 4 to 7 herein.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The District Collector
Cuddalore District.
- 2.The Revenue Divisional Officer
Virudhachalam, Cuddalore District.
- 3.The Tahsildar
O/o.The Tahsildar
Tittagudi, Cuddalore District.

+1cc to M/s.R.Murali,Advocate sr.46744

+1cc to Government Pleader sr.47676

WP.No.17022/2017

kj (co)
ss (14/7/2017)

सत्यमेव जयते
WEB COPY