

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.17048 of 2017
and
WMP.No.18507 of 2017

P.Balasubramaniyan Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
District Collectorate,
Thiruvarur District - 637 003.

3.The Tahsildar,
Taluk Office,
Nannilam Taluk,
Thiruvarur District.

4.Thilakavathi ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to take necessary legal steps to remove the illegal encroachment made by the fourth respondent in the area of natural water storage resource of the Peralam Veeranam Canal and an extent of 6 cents in the survey No.44-2 near Rayar Thoppur Street, Thirumiachchur, Nannilam Taluk, Thiruvarur District and restore the same to its original position.

For Petitioner : Mr.T.Annamalai

For RR 1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

[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 respondents 1 to 3.

2. The petitioner claims to be a retired employee of Southern Railways and according to him, Peralam Veeranam Canal is running on the way to Peralam Salai, and in that water body/canal, the fourth respondent had illegally encroached and attempting to put up a construction in Survey No.44-2 near Rayar Thoppur Street, Thirumiachchur, Nannilam Taluk, Thiruvarur District, and in this regard submitted representations dated 17.03.2017, 18.03.2017, 20.03.2017, 24.03.2017, 18.04.2017 and 24.04.2017 respectively to the respondents, and despite receipt and acknowledgement, no action has been taken and therefore, came forward to file the present writ petition.

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

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim submitted by the petitioner either in the representations or in the writ petition, permits the petitioner to submit one more representation to the third respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the third respondent shall put the fourth respondent/concerned person/s on notice and thereafter shall consider the aforesaid representation on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the fourth respondent herein / person/s concerned.

5. The writ petition stands disposed of with the above direction No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Fort St.George,
Chennai - 600 009.

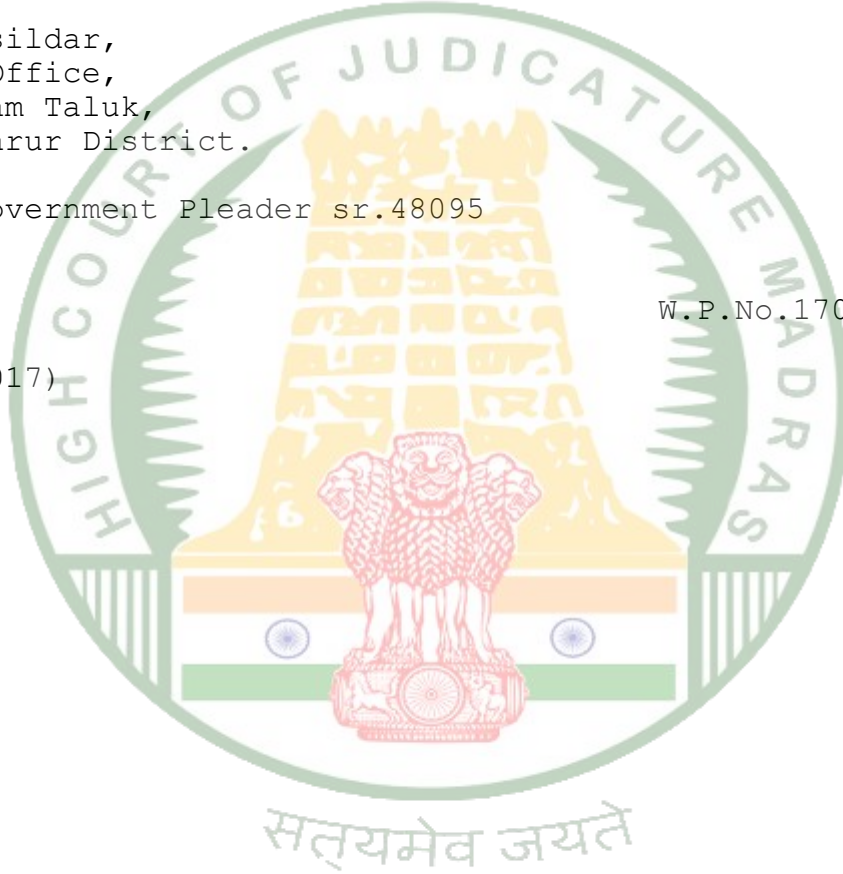
2.The District Collector,
District Collectorate,
Thiruvarur District - 637 003.

3.The Tahsildar,
Taluk Office,
Nannilam Taluk,
Thiruvarur District.

+1cc to Government Pleader sr.48095

W.P.No.17048 of 2017

ss(20/7/2017)



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