

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:13.07.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
W.P.No.17470/2017

R.Haneefa

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Petitioner

Vs

1.The District Collector
Salem District.

2.The District Revenue Officer
Athur Taluk, Salem.

3.The Public Works Department
Athur, Salem District.

4.The Surveyor
Athur, Salem District.

5.The Tahsildar
Athur Taluk, Salem District.

6.Srinivasan

7.Manicka Padayachi

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider the petitioner representation dated 01.10.2016, 23.12.2016 and 21.03.2017 to evict the encroachment from the Odai Poramboke area in Survey Numbers 439, 440, 441, 442, 443 situated at Kattukottai Village, Athur Taluk, Salem District.

For Petitioner : Mr.Mathiyalagan

For RR 1 to 5 : 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 5.

2 The writ petition is filed in the form of a Public Interest Litigation and the petitioner alleges that he has filed the present writ petition for the benefit of poor agriculturists who have been denied their right to access to the water for the purpose of irrigating their lands. It is the claim of the petitioner that he is also carrying on agricultural operation and through the lands in Kattukottai Village S.Nos.439, 440, 441, 442 and 443, a canal is there and the water flowing through the said canal is used by adjacent agriculturists and on account of the encroachment made by the respondents 6 and 7, they are deprived of the said benefit/facility and in spite of his representations to the respondents, no action has been taken and hence, he came forward to file the present writ petition.

3 Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 5 and he has produced the proceedings of the Junior Engineer, Public Works Department, Water Resources Organization, Thalaivasal, addressed to the 5th respondent herein vide Letter No.nfh 5-,bgh (j)-2016 dated 24.10.2016, wherein he has directed the concerned official to invoke the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 and inform him the decision taken.

4 In the light of the above facts and circumstances, this Court directs the 5th respondent to put the respondents 6 and 7 as well as the other encroachers, if any, on notice, in the light of the above said communication and take appropriate action in accordance with law as expeditiously as possible and not later than twelve 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 6 and 7 and other encroachers, if any.

5 The writ petition stands disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Salem District.

2.The District Revenue Officer
Athur Taluk, Salem.

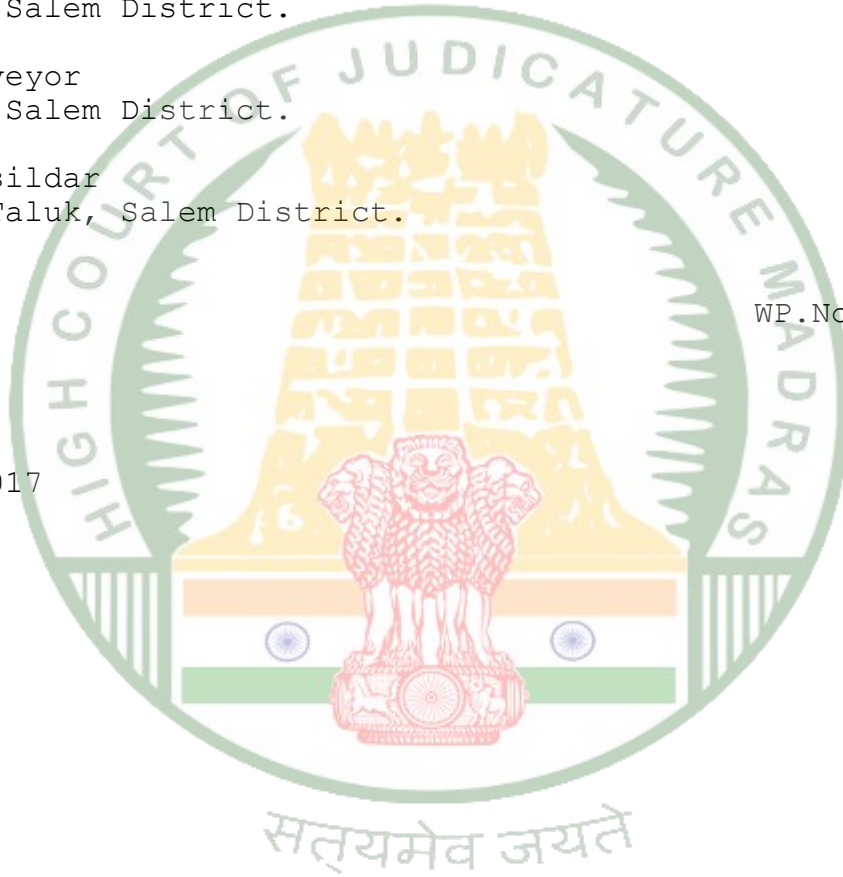
3.The Public Works Department
Athur, Salem District.

4.The Surveyor
Athur, Salem District.

5.The Tahsildar
Athur Taluk, Salem District.

WP.No.17470/2017

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