

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.27571/2017

S.Sengottuvel

Petitioner

Vs

1 The District Collector
Collectorate, Salem District.

2 The District Revenue Officer
Collectorate, Salem District.

3 The Revenue Divisional Officer
Attur Taluk and Post,
Salem District.

4 The Tahsildar
Attur Taluk & Post,
Salem District.

5 Arumugam

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the respondents 1 to 4 herein to consider the representation dated 04.09.2017 and 20.10.2017 submitted by the petitioner in the light of G.O.Ms.No.541 Revenue [LD.6[2]] Department dated 04.12.2014 and to remove the encroachment of the 5th respondent in S.No.566/6 which is situated in Attur Taluk, Salem District.

For Petitioner : Mr.A.Rajakumar

For RR 1 to 4 : Mr.A.N.Thambidurai, Spl.GP

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 claims to be the owner of the landed property admeasuring to an extent of 11 cents comprised in S.No.566/1,2,3 & 4 situate at Attur Taluk, Salem District through a registered Sale Deed bearing Doc.No.594/2011 dated 07.02.2011 and further that he is in possession and enjoyment of the same. The petitioner would further state that a river stream flows through the land in S.No.566/6 and the revenue records also clearly make a mention as a river [stream] in the above said survey number and would also add that during rainy season water used to flow through the stream and the agriculturists who are having lands adjacent to the stream, are using the said water for agricultural purposes. The grievance expressed by the petitioner is that the 5th respondent had encroached upon some portion of the land in the said Survey Number and constructed water service station without any planning permission or approval and in this regard, he has submitted a representation dated 04.09.2017 followed by a reminder representation dated 20.10.2017 and despite receipt and acknowledgment, no orders have been passed so far 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 'A' Register and FMB Sketch plan and would submit that as per the said revenue documents, the lands in S.Nos.566/4-10 had been shown as "stream" and hence, any encroachment on the water course/body should be removed forthwith and prays for appropriate orders.

4 Per contra, the learned Special Government Pleader appearing for the official respondents / respondents 1 to 4 would submit that part of the land falls within the jurisdiction of the Public Works Department, Irrigation Division, Athur Taluk and part of the land falls within the domain of the revenue department and appropriate action will be taken to remove the encroachment and restore the land to its original position.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the Assistant Engineer, Public Works Department, Irrigation Division, Athur Taluk, Salem District, along with a copy of this order as well as copies of the 'A' Register and FMB Sketch within a period of two weeks from the date of receipt of a copy of this order and the said official on receipt of the same, shall be in touch with the 4th respondent and thereafter, the 4th respondent as well as the Assistant Engineer, Public Works Department, Irrigation Division, Athur Taluk, Salem District, after putting the 5th respondent and other encroachers on notice, shall take action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the 5th respondent herein and other encroachers.

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

8 Call on 04.01.2018 for filing Status / Compliance Report.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The District Collector
Collectorate, Salem District.
- 2 The District Revenue Officer
Collectorate, Salem District.
- 3 The Revenue Divisional Officer
Attur Taluk and Post,
Salem District.
- 4 The Tahsildar
Attur Taluk & Post,
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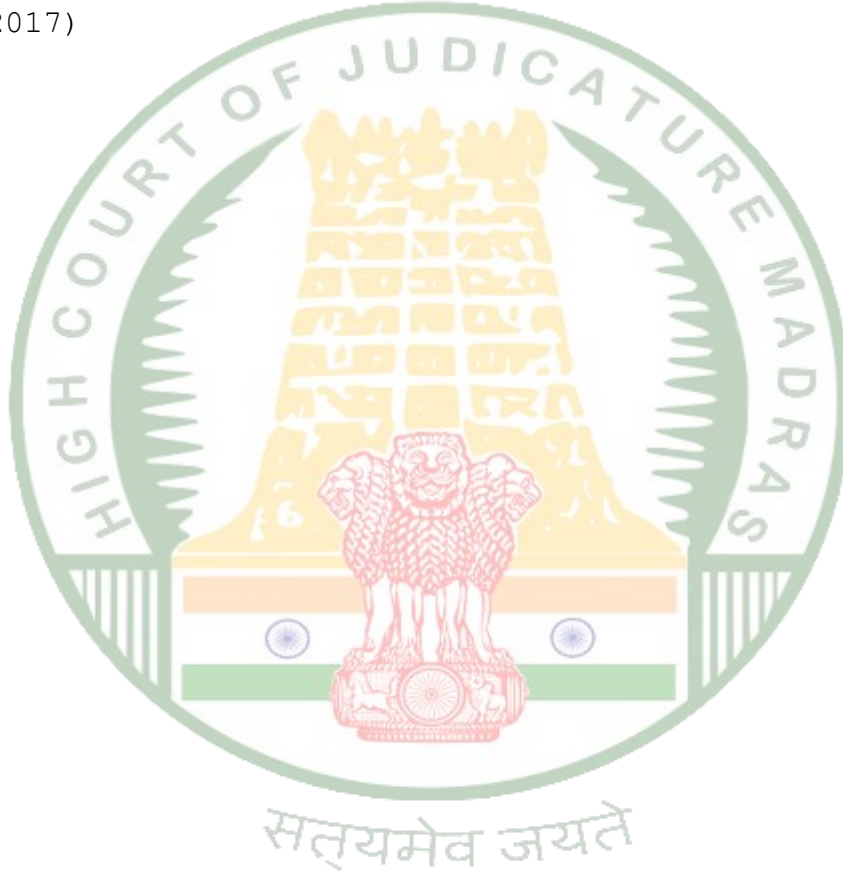
Copy to:-

The Assistant Engineer,
Public Works Department,
Irrigation Division,
Athur Taluk, Salem District.

+lcc to Government Pleader sr.76738

WP.No.27571/2017

ss (31/10/2017)



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