

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.18016/2017

Kulandaivelu

.. Petitioner

Vs

1.The District Collector
Villupuram District.

2.The Revenue Divisional Officer
Kallakurichi Taluk Office
Villupuram District.

3.The Revenue Tahsildar
Kallakurichi Taluk Office
Villupuram District.

4.Subramanian

5.Srinivasan

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 more particularly, 3rd respondent to take necessary action for removal of encroachment in Water Channel [odai] in Survey NO.156/8 in Sadayampattu village, Kallakurichi Taluk, Villupuram District within a stipulated time.

For Petitioner
For RR 1 to 3

: Mr.S.Sounthar
: 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 3.

2 The petitioner would state that he is an agriculturist by profession and owns lands in S.No.154/2D and 156/1 to 156/7 in Sadayampattu Village, Kallakurichi Taluk, Villupuram District. According to the petitioner, there is a water channel [Odai] in S.NO.156/8 and it originates in S.No.155 and runs through the said survey number and even as per the Village "A" Register, the classification of S.No.156/8 is indicated as "Odai" [water body]. The grievance expressed by the petitioner is that the respondents 4 and 5 had encroached upon the said water body and constructed a well thereon, and using the same for their agricultural operations. The petitioner, in this regard, had submitted representations to the officials concerned.

3 The learned counsel for the petitioner would submit that on receipt of the representation, the office of the 2nd respondent

has sent a Memo bearing O.Mu.No.m2/8016/2016 dated 28.12.2016 to the 3rd respondent to conduct Field Inspection and thereafter, take appropriate action and inform the same to the petitioner. The very same official, has also sent one more Urgent Memo in Na.Ka.No.M2 /694/2017 dated 02.02.2017 to the 3rd respondent to take necessary action to remove the encroachment and in spite of such a direction from the superior official, the 3rd respondent is yet to respond and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 *Per contra*, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the 3rd respondent has already initiated action and the decision taken will be communicated to the petitioner as well as to the respondents 4 and 5.

5 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 projected by the petitioner, directs the 3rd respondent to put the respondents 4 and 5 on notice and thereafter, act on the communications of the 2nd respondent dated 28.12.2016 and

M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
AP

02.02.2017 in O.Mu.No.m2/8016/2016 and Na.Ka.No.M2 /694/2017 and pass appropriate orders on merits and in accordance with law 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 and 5.

6 The writ petition stands disposed of at the admission stage itself with the above direction. No costs.

[M.S.N., J.,]

[N.S.S., J]

17.07.2017

Index : No

Internet : Yes

AP

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