

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.07.2017

CORAM:

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

W.P.No.18234/2017 & WMP.No.19821/2017

R.Loganathan

.. Petitioner

Vs

1.The Engineer-in-Chief
Water Resources Organization
Public Works Department
Government of Tamil Nadu
Chepauk, Chennai 600 005.

2.The District Collector
Thiruvallur District, Thiruvallur.

3.The Superintending Engineer
PWD, WRO, Aranyar Basin Division,
Chepauk, Chennai 600 005.

4.The Assistant Executive Engineer
PWD, WRO, Aranyar Basin Division,
Ponneri 601 204.

5.The Tahsildar
Uthukkottai Taluk
Thiruvallur District.

6.Mr.Balasundaram

.. 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 5 herein to remove the encroachments made by the 6th respondent herein in Survey No.51/7, 52/8 and 53/1A of Nanthimangalam Village within the Revenue Village of No.4, Pudhucherry, Madura, Uthukkottai Taluk, Tiruvallur District and thereby restore the Arani River Canal in the said survey numbers.

For Petitioner : Mr.A.R.Suresh
For RR 1 to 5 : 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 5.

2 The petitioner claims to be a permanent resident of Pondhavakkam Village, Uthukkottai Taluk, Tiruvallur District and he is an agriculturist by profession and he owns agricultural lands in S.Nos.51/6, 51/8, 52/4 to 52/7 and 53/1B and also lands in S.Nos.52/10, 52/11, 52/12, 52/13B, 52/18 to 52/22. He is also issued with Patta No.233 by the concerned Revenue Officials and according to the petitioner, the agriculturists including the petitioner in the said village and in the neighbouring villages are entirely depending upon the Araniyar River Water. The grievance expressed by the petitioner is that the 6th respondent had encroached upon the river canal and thereby, preventing the free flow of water. In this regard, repeated representations were submitted to the concerned officials including the Collector of Tiruvallur District.

3 The learned counsel for the petitioner has drawn the attention of this Court to the letters of the 4th respondent dated 12.10.2015 ; 13.11.2015; 18.07.2016 and 21.09.2016 respectively and would submit that despite the said communications addressed to the petitioner indicating that for the removal of encroachments from the canal of Araniyar River, a Committee has been formed under the leadership of the 5th respondent, no worthwhile action has been taken so far and in the light of the normal monsoon being expected, there is likely to be flooding of the river on account of the blockage of the canal of Araniyar River by the 6th respondent and therefore, prays for appropriate orders.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 5 would submit that based on the communications sent by the 4th respondent, the 5th respondent will take action expeditiously.

5 This 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, directs the 5th respondent to act on the communications of the 4th respondent dated 12.10.2015 ; 13.11.2015; 18.07.2016 and 21.09.2016 respectively and after putting the 6th respondent on notice, shall take appropriate action for removal of the encroachment in the Araniyar River Canal and pass appropriate orders within a period of six 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 3, 4 and 6.

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

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

- 1.The Engineer-in-Chief
Water Resources Organization
Public Works Department
Government of Tamil Nadu
Chepauk, Chennai 600 005.
- 2.The District Collector
Thiruvallur District, Thiruvallur.
- 3.The Superintending Engineer
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- 4.The Assistant Executive Engineer
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Ponneri 601 204.
- 5.The Tahsildar
Uthukkottai Taluk
Thiruvallur District.

+1 cc to Govt.Pleader,sr.51002

+1 cc to Mr.A.R.Suresh,advocate,sr.50559.

Krd 29/7

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