

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.07.2017

CORAM:

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

W.P.No.18884/2017

N.Elumalai

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Petitioner

Vs

1.The District Collector
Villupuram District, Villupuram.

2.The District Surveyor
Villupuram District, Villupuram.

3.The Tahsildar
Melmalaiyanur Taluk
Melmalaiyanur 604204.

4.The Block Development Officer
Melmalaiyanur Taluk
Melmalaiyanur 604204.

5.The Revenue Inspector
Melmalaiyanur Taluk
Avalurpettai 604201.

6.The Village Administrative Officer
Naranamangalam Village
Naranamangalam 604201.

7.C.Babu

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 6 to remove the encroachment made by the 7th respondent in S.No.103[2] Naranamangalam Village, Melmalayanur Taluk, Villupuram District.

For Petitioner : Mr.M.Guruprasad
For RR1 to 6 : 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 6.

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that he owns agricultural lands admeasuring to an extent of 4 acres in SF.Nos.103/3 at Naranamangalam Village and adjacent to his land, the land is SF.No.103/2 is classified as "Odai" [water course] and it measures an extent of 0.11.5 hectares. The grievance expressed by the petitioner is that the 7th respondent who is having agricultural lands in SF.No.103/1B and 103/4, which are located on either side of the said water course, has encroached upon the water course in SF.No.103/2 and in this regard, the petitioner has submitted numerous representations and the office of the Sub Collector, Tindivanam, vide Memo dated 28.03.2017, in Na.Ka.No.A3/477/2017, has directed the 3rd respondent to take appropriate action and inform the same to the petitioner and in spite of it, no action is being taken and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would contend that the 7th respondent has filed a suit in OS.No.350/2017 on the file of the Court of Principal District Munsif, Gingee, against the petitioner and the respondents 3 and 1, praying for an order of permanent injunction, restraining the defendants therein from interfering in his peaceful possession and enjoyment of the lands in SF.No.103/1B, 103/4 and 103/2 and pending disposal of the suit, the 7th respondent herein has also filed IA.No.790/2017 praying for ad-interim injunction and no interim order has been granted and hence, there cannot be any impediment on the part of the 3rd respondent to take appropriate action on the representation submitted by the petitioner and hence, prays for appropriate orders.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 6 would submit that since the suit is filed and the interlocutory application is pending, the 3rd respondent has deferred the further action.

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 and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition and also further taking note of the fact that as on today, no interim order is in operation in the suit filed by the 7th respondent herein, directs the 3rd respondent to put the 7th respondent on notice and thereafter, act on the Memo of the office of the Sub Collector, Tindivanam, dated 28.03.2017 in Na.Ka.No.A3/477/2017 and pass appropriate orders 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 and the 7th respondent herein.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
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- 6.The Village Administrative Officer
Naranamangalam Village
Naranamangalam 604201.

+1cc to Mr.Guruprasad, Advocate SR.No.52925
+1cc to Government Pleader SR.No.53338

WP.No.18884/2017

GN(11/08/2017)