

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE S.ATRUGHANA PUJAHARI

WP.No.29931/2017

P.Chandrasekaran

..Petitioner

Versus

1.The District Collector
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer
Tiruvannamalai,
Tiruvannamalai District.

3.The Tahsildar
Tiruvannamalai
Tiruvannamalai District.

4.Elumalai
5.Arumugam

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 authorities to remove all the encroachments including the encroachment made by respondents 4 and 5 in the channel in the water bodies situated in S.Nos.136/1A, 1B, 2A, 2B, 3 and 4A, Kattampoondi village, Tiruvannamalai Taluk and District.

For Petitioner : Mr.G.Rajan

For RR1 to 3 : Mrs.M.E.Rani Selvam, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be a resident of Kattampoondi village and is having agricultural lands in the name of his family members comprised in S.Nos.136/4B, 5D, 6B, 6C and 6A and

patta in respect of the said properties stands in the name of his sons, viz., Anishkumar and Mohanraj and the petitioner would further aver that he is also cultivating the said lands on behalf of his sons.

3 According to the petitioner, on the Eastern and Southern sides of his properties, a channel is running from Kattampoondi village to Periyakallapadi Lake and it is located in S.No.136/1A, 1B, 2A, 2B, 3 and 4A and if the lake in Kattampoondi village is full, the excess water will pass through the channel to reach the lake at Periyakallapadi Village and the said lake is the main source for agricultural operations. It is the specific case of the petitioner that the respondents 4 and 5 and other persons had illegally encroached upon the said channel / water body and prevented free flow of water and consequently, the agricultural operations are affected. The petitioner, in this regard, has submitted a representation dated 13.11.2017 to the respondents 1 to 3 and despite receipt and acknowledgment, so far no orders have been passed and hence, the petitioner came forward to file the present writ petition.

4 The Court heard the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 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, directs the 3rd respondent to put the petitioner as well as the respondents 4 and 5 on notice and thereafter, consider and dispose of the petitioner's representation dated 13.11.2017 on merits and in accordance with law and pass appropriate orders within a period of ten 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 herein.

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

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Tiruvannamalai,
Tiruvannamalai District.

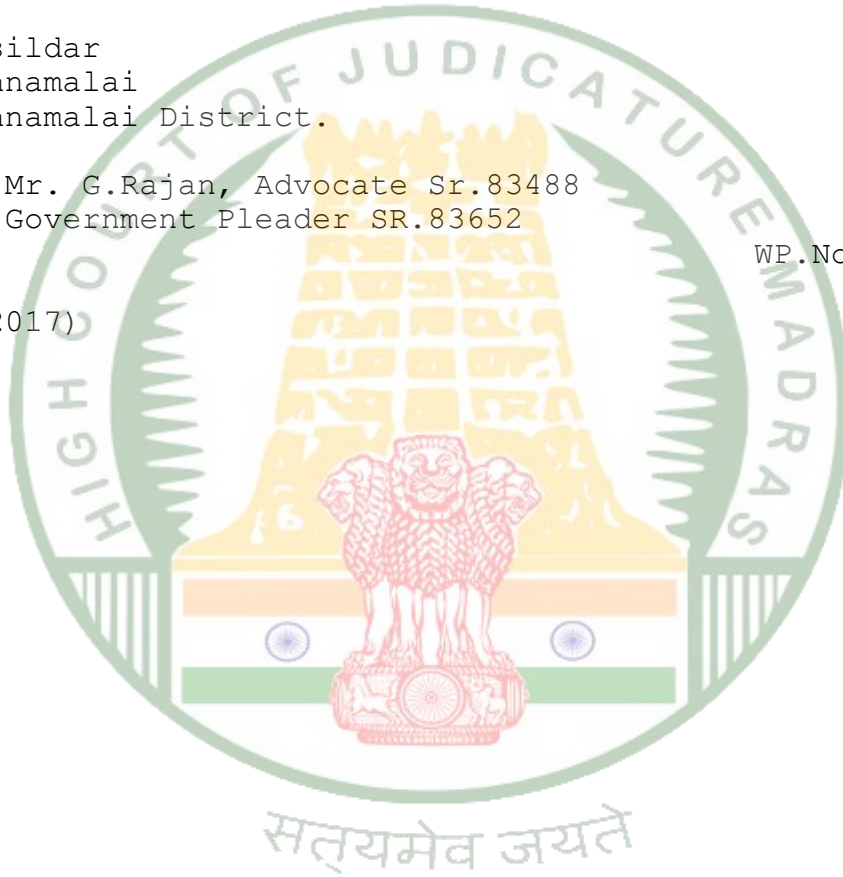
2.The Revenue Divisional Officer
Tiruvannamalai,
Tiruvannamalai District.

3.The Tahsildar
Tiruvannamalai
Tiruvannamalai District.

+ 1 cc to Mr. G.Rajan, Advocate Sr.83488
+ 1 cc to Government Pleader SR.83652

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GJ(CO)
EU(18/12/2017)



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