

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.No.30725/2017

S.R.Kanthasamy

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Petitioner

VS

1.The District Collector
Collectorate, Salem District.

2.The District Revenue Officer
Collectorate, Salem District.

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

4.The Tahsildar
Gangavalli Taluk & Post,
Salem District.

5.K.Maraappan

...

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for a writ of mandamus directing the respondent 1 to 4 herein to
consider the representation dated 05.09.2017 and 14.11.2017 submitted

by the petitioner in the light of G.O.ms.No.540, Revenue [LD.6[2]] Department dated 04.12.2014 and to remove the encroachment made by the 5th respondent in situate the S.Nos.529 an 531 which is situated in Naduvallur Village, Gangavalli Taluk, Salem District within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Rajakumar

For RR 1 to 4 : 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 4.

सत्यमेव जयते

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that he is the owner of the agricultural lands admeasuring to an extent of 4.59 acres comprised in Survey No.533/2, Naduvallur Village, Gangavalli Taluk, Salem District, through a registered Sale Deed bearing Document No.1/2000 dated

03.01.2000 and he claims to be in possession and enjoyment of the same right from the date of the said purchase. According to the petitioner, a stream [Odai] is located in S.Nos.529 and 531 of the said village and the Village Accounts/Revenue Records of Naduvallur Village would also disclose the said fact. The petitioner would further aver that during rainy season, there used to be a steady flow of water and it is used for agricultural purpose by the petitioner as well as by the neighbouring land owners. However, to the shock and surprise of the petitioner, the 5th respondent has encroached upon the said stream and dug a well and in this regard, representations dated 05.09.2017 and 14.11.2017 respectively were submitted to the respondents 1 to 4 and despite receipt and acknowledgment, he is yet to be favoured with any kind of response and hence, the petitioner came forward to file this writ petition.

3 This Court heard the submissions of the learned counsel for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents and also perused the materials placed before this Court.

4 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 representations or in this writ petition, directs the 4th respondent to put the petitioner as well as the 5th respondent on notice and thereafter, cause inspection of the land in S.Nos.529 and 531 of Naduvallur Village, Gangavalli Taluk, Salem District, and depending upon the result of the same, shall take further action in accordance with law 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 5th respondent herein.

5 The writ petition stands disposed of with the above direction.

No costs.

[MSNJ] [NSSJ]
28.11.2017

Internet : Yes
AP

सत्यमेव जयते

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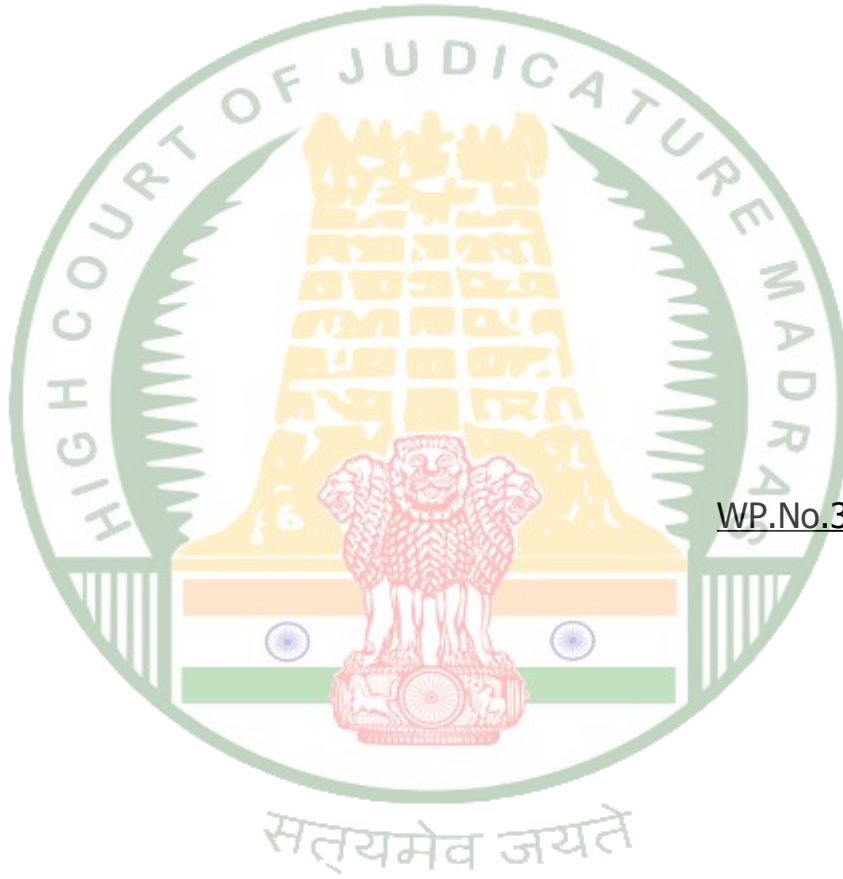
To

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