

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.32091 of 2017

Balasubramanian

... Petitioner

Vs

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur District,
Perambalur.

3.The Tahsildar,
Perambalur Taluk,
Perambalur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents or their subordinates to remove the encroachment made in S.No.64/1 and Survey No.90/5 to an extent of 1.61 hectares and 1.59.5 hectares repectively situate Kalpadi Village, Ayyalur Post, Perambalur Taluk and District which are classified as lakes based on the representation of the petitioner dated 03.06.2017 forthwith.

For Petitioner : Mr.C.Prabakaran

For RR 1 to 3 : Mr.Digvijayapandian, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.Digvijayapandian, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.

2 The petitioner filed the writ petition as a Public Interest Litigation stating among other things that he is a permanent resident of Mariamman Koil Street, Eraiyasamudram Village, Ayyalur Post, Perambalur Taluk and District and according to him, he owns agricultural land in S.Nos.422, 90 & 96 in Kalvadi Village and adjacent to the land, a water body (Pond) is located in S.Nos.64/1 and 90/5 and very many encroachments have come into place on the said land. In this regard, he has submitted a representation dated 05.06.2017 to the 1st respondent and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file this writ petition.

3 The learned counsel appearing for the petitioner would state that the petitioner is the owner of the Patta land and he has been issued with Pattas No.728 and 153 in respect of the land for the purpose of carrying on agricultural operation. The petitioner would further submit that the land owners are depending upon the said water body and since very many encroachments are came into being, the water body is likely to get obliterated and in that event, the agricultural activity is getting affected and hence prays for appropriate orders.

4 This Court heard the submissions of Mr.M.Digvijayapandian, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 Though the petitioner prays for 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 Tahsildar, Perambalur Taluk, Perambalur with the help of jurisdictional Surveyor to cause inspection on the land in Survey Nos.64/1 and 90/5 adjacent to the water body within a period of six weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall

take appropriate action against the encroachers if any, after putting them on notice within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the encroachers, if any.

6 In the result, the writ petition stands disposed of. No costs.

[M.S.N., J.,] [S.P.I., J]
11.12.2017

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To

1.The District Collector,
Perambalur District,
Perambalur.

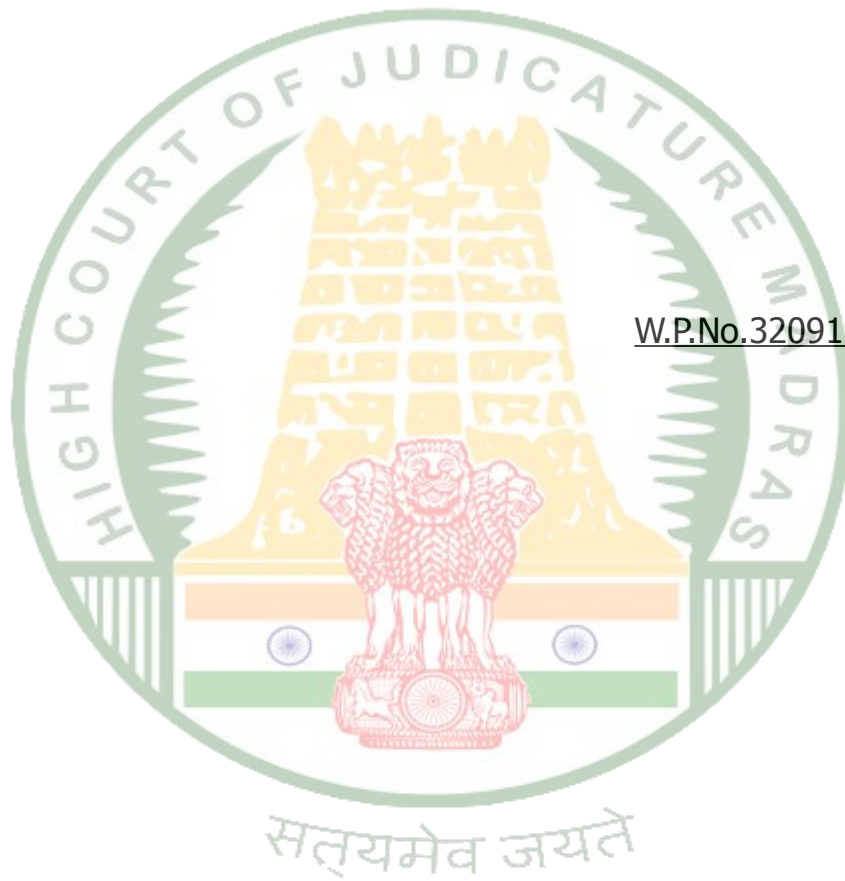
2.The Revenue Divisional Officer,
Perambalur District,
Perambalur.

3.The Tahsildar,
Perambalur Taluk,
Perambalur.

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M.SATHYANARAYANAN,,J
AND
SATRUGHANA PUJAHARI,J.,

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