



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P. [MD] .No.12165 of 2017

S.Sundaram

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

2. The Tahsildar,
Shengottai Taluk,
Tirunelveli District.

3. The Assistant Engineer,
Public Works Department (WRO),
Chittar Basin Sub Division - II,
Tenkasi,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue as Writ of Mandamus directing the respondents 2 and 3 to take action for removing encroachments in Survey No.110, Bramanapathu Canal and in Survey No.115/5 a waste canal situated at Nagalkadu Village, Shengottai Taluk, Tirunelveli District within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.T.S.Mohammed Mohaideen
Additional Government Pleader

ORDER

[Order of the Court was made **T.S.SIVAGNANAM, J.**]

Heard Mr.D.Venkatesh, learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohaideen, learned Additional Government Pleader appearing for the respondents.

2. The petitioner by way of this writ petition, styled as Public Interest Litigation, seeks a direction to the respondents 2 and 3 to take action for removing the alleged encroachments in Survey No.110, Bramanapathu Canal and in Survey No.115/5, a waste



canal situated at Nagalkadu Village, Shengottai Taluk, Tirunelveli District.

3. The representation given by the petitioner was considered by the second respondent and the same was forwarded to the third respondent for appropriate action since the encroachment was in the water channel. The third respondent in turn has sought for assistance from the second respondent vide the letter dated 26.04.2017 for the purpose of identification of the water channel. At that stage the matter is pending. Since no appreciable action is taken, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that a reasonable time may be given to the authorities to proceed in accordance with law.

5. In the light of the above, we direct the respondents 2 and 3 to take appropriate action in furtherance of their communication dated 10.03.2017 and 26.04.2017 respectively and if there is any encroachment found, the same shall be removed in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.
2. The Tahsildar,
Shengottai Taluk,
Tirunelveli District.
3. The Assistant Engineer,
Public Works Department (WRO),
Chittar Basin Sub Division - II,
Tenkasi,
Tirunelveli District.

+1 CC to M/s.D.VENKATESH, Advocate, SR No. 62929.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 63129.

LS

PSM/JC/SAR3/05.07.2017/2P/6C