



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1293 of 2017

and

W.M.P. (MD) .Nos.1075 and 1076 of 2017

V.Palaniammal

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

3.The Block Development Officer,
Thiruvidaimaruthur Union,
Thanjavur District.

4.The Executive Engineer,
Public Works Department (WRD),
Kaveri Basin Circle, Thanjavur District.

5.The Special Officer,
Enanallor Panchayat,
Thiruvidaimaruthoor,
Thanjavur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents No.1 to 5 to remove the encroachment made in field channel and the petitioner's cultivating land Survey Nos.94/2, 94/3, 98/4 of an extent of 4 acres and 15 cents situated at Enanallor Village, Kumbakonam Taluk, Tanjavur District and restore the field channel situated at Enanallor Village, Kumbakonam Taluk, Tanjavur District.

For petitioner
For R-1 to R-5

: Mr.A.Robinson
: Mr.M.Govindan
Special Government Pleader
: M/S.S.M.Anusha

Advocate Commissioner



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner seeks a direction for removal of the encroachment made in the field channel situated at Enanallor Village, Kumbakonam Taluk, Tanjavur District. The petitioner also seeks restoration of the field channel. The writ petitioner had already given a representation dated 18.01.2017 in this regard. Since no action was taken, the present writ petition came to be filed.

2. This Court has appointed an Advocate Commissioner to find out as to whether the road had been laid in the survey number in question. The Advocate Commissioner could not complete the work due to non-cooperation of the Surveyor. The Advocate Commissioner, therefore, visited the location on three occasions. Since further visits were necessitated on account of the inaction on the part of the Surveyor, there shall be a further direction to the respondents 2 and 3 to pay additional remuneration of sum of Rs10,000/- to the Advocate Commissioner. The payment shall be made within a period of two weeks from today (22.08.2017).

3. The Advocate Commissioner has filed a report to the effect that the road in question was not laid on the land acquired for the purpose. But instead the road was laid down in the water channel and the water channel is in the writ petitioner's land.

4. The grievance of the writ petitioner *prima facie* appears to be genuine and the same has also been duly confirmed by the report of the Advocate Commissioner. Therefore, it is the duty of the administration to undo the wrong that has been committed. This Court directs the first respondent to dispose of the representation dated 18.01.2017, submitted by the writ petitioner within two months from the date of receipt of a copy of this order, by taking into account the Commissioner's report submitted in these writ proceedings.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar



To:
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- 5.The Special Officer,
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+One cc to Mr.A.Robinson, Advocate, SR.No.73803

km
RL/7C/3P/KK/SAR1/23/11/2017

ORDER MADE IN

W.P. (MD) No.1293 of 2017