



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.20712 of 2017

Sundarappa Vellalar : Petitioner

-Vs-

- 1.The District Collector,
Collectorate,
Thanjavur,
Thanjavur District.
- 2.The District Revenue Officer,
Collectorate,
Thanjavur,
Thanjavur District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.
- 4.The Tahsildar,
Thasildar Office,
Orathanadu,
Thanjavur District.
- 5.The Village Administrative Officer,
Mullurpattukadu,
Orathanadu Taluk,
Thanjavur District.
- 6.The Assistant Executive Engineer,
Assistant Executive Office,
Public Works Department,
G.A.C. Sub-Division,
Pattukkottai,
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to take necessary action to remove the illegal construction and occupation of the irrigation canal in Mullurpattikadu Village, Orathanadu Taluk, Thanjavur District.



For Petitioner
For Respondents

: Mr.S.Pari
: Mr.T.R.Janarthanan,
Special Government Pleader

O R D E R

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

Mr.M.Govindan, Learned Special Government Pleader, takes notice for the Respondents.

2. Heard both sides. No counter is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission.

4. According to the Petitioner, he had addressed a representation dated 21.08.2017 to the first Respondent/District Collector, Thanjavur District, *inter alia* praying for desilting the Public Works Department Canal at Orathanadu Taluk 124, Mullurpattikadu Revenue Village. Also, he has made an averment that near the Canal, the adjacent land owners had constructed buildings and made an encroachment in this regard.

5. Considering the fact that the Petitioner's representation dated 21.08.2017 is pending as on date before the first Respondent/District Collector, Thanjavur District, without any progression in the subject matter in issue, at this stage, this Court is not delving deep into the merits and demerits of the contents of the representation, simpliciter, directs the first Respondent to look into the contents of the representation of the Petitioner dated 21.08.2017 and if he finds any substance in it, then he is directed to act, within a period of twelve weeks from the date of receipt of copy of this order. Within the afore-stated time, the first Respondent shall pass necessary orders, of course, by adhering to the Principles of Natural Justice and a final call in the subject matter in issue can be taken by him after issuance of necessary notice to the purported encroachers, of course, in the manner known to law and in accordance with law. It is open to the Petitioner to raise all factual and legal pleas before the first Respondent, who shall meet out the same at the time of passing the orders based on the representation of the Petitioner dated 21.08.2017.

6. Before parting with the case, since nearly more than two months had elapsed from the date of original representation of the Petitioner dated 21.08.2017, this Court deems it fit and proper to issue necessary directions to the Petitioner to submit a fresh representation in the subject matter in issue, within a period of one week from the date of receipt of copy of this order, by mentioning the factual contents of the earlier representation dated 21.08.2017. It is abundantly made quite clear that the Petitioner, at the time of giving fresh representation, shall not project new



facts concerning the subject matter in issue. There is no impediment also on the part of the Petitioner to furnish a copy of the earlier representation dated 21.08.2017 before the first Respondent/District Collector, Thanjavur District and to seek redressal of his grievance, if he so desires/if so advised.

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7. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

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G.A.C. Sub-Division,
Pattukkottai, Thanjavur District.

+One cc to Mr.S.Pari, Advocate, SR.No.86981

+One cc to The Special Government Pleader, SR.No.86555

SML

RL/9C/3P/MR/KKR/SAR2/20/11/2017

Order made in
W.P. (MD) No.20712 of 2017
Dated: 10.11.2017