



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

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

W.P. (MD) No. 21242 of 2017

and

W.M.P (MD) No. 17517 of 2017

R. Ramasamy

: Petitioner

.vs.

1. The District Collector,
Karur District, Karur.

2. The Tahsildar,
Aravakuruchi Taluk,
Aravakuruchi Post,
Karur District.

3. The Executive Engineer,
Public Works Department (Water Resource Organization),
Aravakuruchi Post & Taluk,
Karur District.

4. Mr. Kangeyasamy

: Respondents

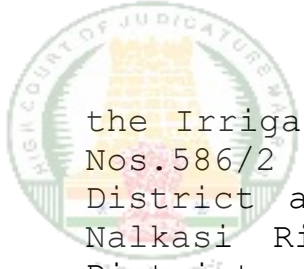
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the Respondents 1 to 3 to remove the encroachment made by the Fourth Respondent in the irrigation Channel (Odai) runs through adjacent to New Survey Nos. 586/2 and 2A in Velampadi Village, Aravakuruchi Taluk, Karur District and consequently restore the irrigation Channel (Odai) upto the Nalkasi River in Velampadi Village, Aravakuruchi Taluk, Karur District, within the stipulated time that may be fixed by this Court.

For Petitioner : Mr. M. Saravanakumar
For R-1 to R-3 : Mr. M. Govindan,
Special Government Pleader

O R D E R

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

The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the Respondents 1 to 3 to remove the encroachment made by the Fourth Respondent in



the Irrigation Channel (Odai) runs through adjacent to New Survey Nos.586/2 and 2A in Velampadi Village, Aravakuruchi Taluk, Karur District and to restore the irrigation Channel (Odai) upto the Nalkasi River in Velampadi Village, Aravakuruchi Taluk, Karur District, within a stipulated time.

2. Heard the Learned Counsel for the Petitioner and the Learned Special Government Pleader for R-1 to R-3.

3. No counter-affidavit is filed on behalf of the Respondents 1 to 3.

4. To avoid an avoidable delay, notice to the Fourth Respondent is dispensed with.

5. According to the Petitioner, the Channel namely 'Odai' in question is the main Channel carrying the rain water from the Western Side to the Irrigation Tank and the overflow water and excess rain water also runs through Survey Nos.590, 600, 589, 592 and 586 from West to East and crossed Karur to Palany Highway and mingled with Nalkasi River in Velampati Village, Aravakuruchi Taluk, Karur District.

6. The grievance of the Petitioner is that the Fourth Respondent, who had purchased the land situated in Survey No.586/2A and 595 in Velampadi Village, illegally closed the Irrigation Channel (Odai) runs adjacent to the Fourth Respondent's land, by dumping Scrap. It appears that the villagers made a Representation to the Revenue Authorities on 05.09.2017 with a request to restore the Channel and to take appropriate action against the illegal action of the Fourth Respondent. The Revenue Divisional Officer, Karur, on receipt of Representation from the villagers, had directed the Second Respondent/Tahsildar, Aravakuruchi Taluk, Karur District, to take immediate steps and to restore the Channel. However, no action was taken and now the Fourth Respondent had completely closed the Irrigation Channel and hence, the Petitioner has filed the present Writ Petition.

7. By way of Reply, the Learned Special Government Pleader for Respondents 1 to 3 submits that the Second Respondent/Tahsildar, Aravakuruchi Taluk, Karur District, would conduct survey of the 'Odai' in the land adjacent to Survey No.586/2 and 2A of Velampadi Village, Aravakuruchi Taluk, Karur District, within a period of two weeks from the date of receipt of a copy of this order. If any encroachment is found out, by the Authorities concerned, thereafter, by adhering to the due process of Law, the Revenue Authorities would take necessary action as they deem fit and proper, within a period of four weeks.

<https://hcservices.ecourts.gov.in/hcservices/>

8. It is also projected on the side of the Respondents 1 to 3 that after the conduct of Survey by the Revenue Authority, if it



comes to light that encroachment was made by the Fourth Respondent in the Third Respondent's property, the Third Respondent will take follow up action in accordance with Law.

9. As such, in the event of happening of any contingency in the subject matter in issue, the Third Respondent is directed to take necessary action against the Fourth Respondent for the encroachment in question, after issuing notice to the Fourth Respondent and also hearing his objections etc. It is open to the Petitioner and the Fourth Respondent to raise all factual and legal pleas before the Second and Third Respondents if situation arises or so warrants based on the facts and circumstances encircling the case.

10. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District, Karur.
2. The Tahsildar, Aravakuruchi Taluk,
Aravakuruchi Post, Karur District.
3. The Executive Engineer,
Public Works Department (Water Resource Organization),
Aravakuruchi Post & Taluk, Karur District.

+ 1 cc TO Mr.M.Saravanakumar , Advocate in SR No. 87809
+ 1 cc TO The Special Government Pleader in SR No. 88196

pm

AE/MR KKR/SAR4/30.11.2017/3P/6C

**ORDER MADE IN
W.P. (MD) No.21242 of 2017
17.11.2017**