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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.11.2017

CORAM:

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

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.21787 of 2017

Selvaraj

: Petitioner

.vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
3. The Revenue Divisional Officer,
Illupur,
Pudukkottai District.
4. The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.

: 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 First Respondent to remove the encroachments in the ''Kudineer Sadhura Kinaru Kodumpalur Chathiram Oorani'', water body extended over 1 Hectare and 39 ares in S.No.40 at Kasavanur Village, Kodumpalur Chathiram, Viralimalai Taluk, Pudukkottai District.

For Petitioner

: M/s.M.Kamalani

For Respondents

: Mr.T.R.Janarthanan

Additional Govt.Pleader

O R D E R

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the First Respondent to remove the encroachments in the ''Kudineer Sadhura Kinaru Kodumpalur Chathiram Oorani'', water body extended over 1 Hectare and 39 ares in S.No.40 at Kasavanur Village, Kodumpalur Chathiram, Viralimalai Taluk, Pudukkottai District.



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.

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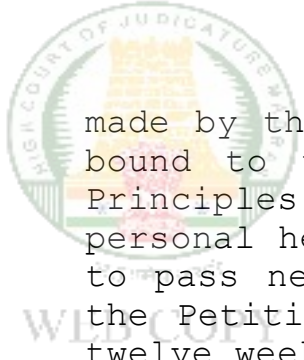
4. According to the Petitioner, he is a resident of Kodumpalur Chathiram, where there is a 100 years old water body, extended over 1 acre and 39 ares of land. The said water body namely Kodumpalur Chathiram is situated at Kasavanur Village, Pudukkottai District, has been encroached by private parties.

5. The grievance of the Petitioner is that he submitted a representation on 14.06.2016 before the Fourth Respondent seeking removal of the encroachment over the water body and although, the Petitioner had received a reply from the Fourth Respondent on 23.06.2016, no necessary action was taken to remove the encroachments.

6. It comes to be known that the Petitioner brought the inaction of the concerned, to the notice of the Third Respondent/The Revenue Divisional Officer, Illuppur, Pudukkottai District, through filing of First Appeal/Representation, dated 20.07.2017 and the Petitioner received a reply on 1.8.2017 to the fact that the encroachment of the water body was not removed. Therefore, the Petitioner filed another Second Appeal/Representation, dated 26.08.2017 before the Second Respondent/The District Revenue Officer, Pudukkottai District, Pudukkottai and to the First Respondent/The District Collector, Pudukkottai District, Pudukkottai, seeking removal of encroachment etc.

7. The Learned Counsel for the Petitioner submits that there is a legal duty cast upon the Respondents to safe-guard the national resource of water body. However, the sorry plight is that no action has been taken so far to enforce the legal rights of people. In this connection, this Court very pertinently points out that the Petitioner even though, has come out with a plea that the Kodaumpalur Chathiram water body is encroached by the private parties, has not either identified or even spelt out the name of the concerned encroachers, specifying the extent and the Survey Number in which the encroachment in question has been made.

8. Be that as it may, considering the fact that it is the prime duty of the Respondents to safe-guard the national resource of water body and to restore the water body to its original position, this Court, in the interest of justice, fair play, good conscience and even as a matter of prudence, directs the Respondents 1, 2 and 4 to look into the representation of the Petitioner, dated 14.06.2016 and the another representation of the Petitioner, dated 26.08.2017 in all seriousness and earnestness and if they find adequate substance in the averments



made by the Petitioner in the said representations, they are duty bound to take necessary action, of course, by adhering to the Principles of Natural Justice, providing them an opportunity of personal hearing, if they so desires/advised and in any event, is to pass necessary orders in disposing of the representations of the Petitioner, dated 14.6.2016 and 26.8.2017 within a period of twelve weeks from the date of receipt of a copy of this order.

9. Before parting with the present case, this Court also directs the Petitioner to lend an un-stinted co-operation and assistance by identifying the name of the encroachers, the extent of encroachment made by them and the construction like putting up of hut or thatched house or any other construction, to the Respondents 1 and 2 and 4 in regard to the disposal of the two representations of the Petitioner, dated 14.6.2016 and 26.8.2017, in a complete and comprehensive manner.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
3. The Revenue Divisional Officer,
Illupur,
Pudukkottai District.
4. The Tahsildar,
Viralimalai,
Pudukkottai District.

+1cc to M/s.M.Kamalani, Advocate Sr.No.89456

+1cc to Spl.Government Pleader Sr.No.89881

VSN

VB/MR/SAR3/03/01/2017/3P/7C