



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10024/2018

D.Murugesan

..

Petitioner

Versus

1.The Block Development Officer
Keevakuppam Panchayat Union
Katpadi Taluk, Vellore District.

2.The Tahsildar
Tahsildar Office, Katpadi,
Vellore District.

3.The Revenue Divisional officer
District Collector Office, Vellore.

4.The District Collector,
District Collectorate Office,
Vellore.

5.The Assistant Director [Panchayats]
Vellore-9.

6.Mrs.Saraswathy

..

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachment of Rangappanaicken Kulam encroached by the 6th respondent to the extent of 0.230 Hectare in S.No.40, Venkatasamudram Village, Kalampattu Post, Katpadi Taluk, Vellore District based on the representation of the petitioner dated 24.07.2017 and subsequent eviction notices by the 1st respondent to the 6th respondent dated 21.08.2017, 13.10.2017 and 13.11.2017 respectively within the time frame.

For Petitioner : Mr.P.Arasan

For RR 1 to 5 : Mr.R.Udhayakumar, AGP



ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5.

2 The petitioner came forward to file the present writ petition, styled as Public Interest Litigation, alleging that he is a farmer and residing as Venkatasamudram Village and according to him, the only water source available for cultivation and agricultural activities is "Rangappanaicken Kulam" in the said Village and it is under the control of Keevakuppm Panchayat. It is the specific claim of the petitioner that the said pond belongs to the Local Body and the entire agricultural operations of the neighbouring lands are depending upon the said water source. The petitioner would further aver that the 6th respondent, in the year 2012, had levelled the portion of the pond by using heavy machinery and encroached upon the said land and planted saplings of Mangoes and Coconuts. The petitioner, in this regard, has also sought an information under the Right to Information Act, 2005, from the Headquarters, Deputy Tahsildar, Katpadi Taluk, Vellore District and it was furnished to him vide communication dated 07.03.2017 in O.Mu.No.Aa2/519/2017, wherein the encroachment on the part of the 6th respondent, has been admitted and immediately, the petitioner submitted a representation to the 3rd respondent on 24.07.2017 for removal of the encroachment. The 1st respondent has also sent a communication dated 30.11.2017 to the 2nd respondent in Na.Ka.No.a5/1704/2017, to take appropriate action to remove the encroachment on the part of the 6th respondent in respect of the land admeasuring to the extent of 0.230 Hectares in S.No.40 of the said village and repeated communications have also emanated from the office of the 1st respondent on 21.08.2017, 13.10.2017 and 13.11.2017 respectively with a copy marked to the Assistant Director of Town Panchayat, Vellore and however, no action has been taken so far and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials placed before it.

4 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to act on the communications of the 1st respondent dated 30.11.2017 in



Na.Ka.No.Aa5/1704/2017 and cause inspection of the land admeasuring to an extent of 0.230 Hectares in S.No.40 of Kanampattu Town Panchayat, within a period of four weeks from the date of receipt of a copy of this order and depending upon the survey and inspection, shall take appropriate action to remove the encroachments, if any, in accordance with law, after putting the 6th respondent and other encroachers, if any, on notice and the said exercise is to be carried out within a further period of ten weeks thereafter and the communication in this regard, shall be sent to the petitioner as well as to the 6th respondent and other encroachers, if any.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Block Development Officer
Keevakuppam Panchayat Union
Katpadi Taluk, Vellore District.
- 2.The Tahsildar
Tahsildar Office, Katpadi,
Vellore District.
- 3.The Revenue Divisional officer
District Collector Office, Vellore.
- 4.The District Collector,
District Collectorate Office,
Vellore.
- 5.The Assistant Director [Panchayats]
Vellore-9.

+1cc to the Government Pleader, sr.no.30346
+2cc to Mr.P.Arasan, Advocate, sr.no.29726

WP.No.10024/2018

PPA (CO)
RRK (23/05/18)