

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.20486 of 2018
and
W.M.P.No.24070 of 2018

G.Velusamy

... Petitioner

vs

1.The District Collector,
Ariyalur District,
Ariyalur.

2.Revenue Divisional Officer,
Ariyalur District,
Ariyalur.

3.The Tahsildhar,
Ariyalur Taluk,
Ariyalur District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondents from granting permission to lay a road by closing a water canal and pond comprised in Survey No.199, Alanthuraiyar Kattalai Village, Sundakkudi Post, Ariyalur Taluk and District based on the representations of the villagers dated 25.06.2018 and 30.07.2018.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.S.Kamalesh Kannan
Government Advocate.

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Mr.G.Velusamy, a resident of Alanthuraiyar Kattalai Village, Sundakkudi Post, Ariyalur District and claiming himself to be a public interest litigant, has sought for a Writ of Mandamus, forbearing the respondents, from granting permission to lay a

road by closing a water canal and pond comprised in Survey No.199, Alanthuraiyar Kattalai Village, Sundakkudi Post, Ariyalur Taluk and District, based on the representations of the villagers, dated 25.06.2018 and 30.07.2018.

2. Supporting the prayer sought for, the petitioner has contended that a pond is situated in Survey No.199 at Alanthuraiyar Kattalai Village, Sundakkudi Post, Ariyalur Taluk and District in the middle of the village, which is being used for agricultural purpose by the villagers and drinking by the cattle.

3. He has further contended that few families of the village, have made an attempt to encroach upon the pond and its source canal, by laying a road across the pond without any valid permission, though they are having a road, which is being used for several years. On 25.06.2018, residents of the abovesaid village have made a representation, to the District Collector, Ariyalur District, first respondent herein, to prevent the illegal act of encroachment made on the pond. The official respondents have not taken any steps on the said representation.

4. He has further contended that the said villagers, have made another representation dated 30.07.2018, requesting the official respondents to take appropriate action to prevent the encroachment made without any authority of law and without permission from the competent authorities. He further submitted that the respondents being the statutory authorities are required to protect the pond and water bodies in terms of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Even thereafter, the respondents have not taken any action and hence the instant writ petition.

5. On 10.09.2018, when the writ petition came up for further hearing, we passed the following order:-

"2. On instructions, from the Tahsildar, Ariyalur District, Mr.E.Manoharan, Additional Government Pleader for the respondents submitted that in S.No.199, there is a small pit. Respondents have not permitted to lay a road, by closing the water channel and pond, comprised in the above said S.No. But few people in the village have attempted to lay pipes in the said Survey Number. On the objections made, work of laying pipes has been stopped. Block Development Officer has directed removal of the pipes and encroachment. Learned Additional Government Pleader further submitted that after the removal of pipes and encroachment, further action would be informed to this Court.

3. Post on 17/9/2018 in the motion list."

6. Today, on instructions from the Tahsildar, Ariyalur Taluk, Ariyalur District, in R.C.No.A1/15405/2018, dated 14.09.2018, Mr.S.Kamalesh Kannan, learned Government Advocate, submitted that two pipes laid, have been removed and produced the photographs depicting the removal of the pipes.

7. Placing on record the submission of the learned Government Advocate, letter and the photographs produced, we are of the view that, though no permission was granted, pipes laid, have been removed and therefore, no mandamus is required.

8. Accordingly, writ petition is disposed of. There shall be no order as to costs. Consequently, the connected writ miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Ariyalur District,
Ariyalur.

2.Revenue Divisional Officer,
Ariyalur District,
Ariyalur.

3.The Tahsildhar,
Ariyalur Taluk,
Ariyalur District.

+1 CC to M/s.C. Prabakaran, Advocate sr 64356.
+1 CC to The Govt. Pleader sr 64328

W.P.No.20486 of 2018
and
W.M.P.No.24070 of 2018

SP(10/10/2018)