

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.10392 of 2018

Madharaman

.. Petitioner

Versus

1.The District Collector,
Tiruvarur District, Tiruvarur.

2.The Tahsildar,
Taluk Office,
Thiruthuraipoondi,
Tiruvarur District.

3.Karippan

4.Ramachandran

5.Annadurai

6.Ganesan

7.Kasiammal

8.Gopal

9.Mathialagan

10.Ramachandran

11.Annadurai

12.Prabhu

13.Venkatachalam

14.Murugaiyan

15.Muruganadam

16.Muthuvel

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 and 2 herein to remove all the encroachments made by putting up pucca permanent structure by the respondents 3 to 16 herein on the Southern side of the Annapiar Canal in Survey No.480 and 481, Sammankulam Canal, Thalaikkadu Lake and in the Canal in Survey No.479 situated in Thalaikkadu Kannanmedu Village, Thiruthuraipoondi Taluk,

Tiruvavarur District so as to ensure free flow of water in the canal.

For Petitioners : Mr. S. Nagarajan
For Respondents : Mr. R. Udhayakumar, Additional
Government Pleader for R1 and R2

ORDER

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

The matter in issue pertains to removal of encroachment. The grievance expressed by the petitioner is that despite two orders of this Court dated 27.08.2015 and 07.09.2016, no action has been taken to remove the encroachment and therefore, he is constrained to approach this Court by filing this writ petition.

2. By consent, the writ petition is taken up for final disposal.

3. A perusal of the materials would disclose that the petitioner, on an earlier occasion, filed WP.No.26701/2015 against the respondents 1 and 2 as well as against the private respondents, praying for removal of all the encroachments made in the form of putting up huts, fencing the huts, digging small ponds and laying cattle feeds like paddy straw on the southern side of the Annaplar Canal running through Kannanmedu Village, Thalaikkadu, Thiruthuraipoondi Taluk, Tiruvavarur District, so as to have a free ingress and egress, to reach the agricultural lands. It was disposed of on 27.08.2015 by directing the respondents to cause inspection and take necessary steps to remove the encroachment and one Mr. Kariappan has also filed WP.No.5712 of 2016 praying for similar relief. It was also disposed on 07.09.2016 by passing appropriate direction to carry out the necessary inspection.

4. The learned counsel appearing for the petitioner would submit that though the respondents 1 and 2 were parties to the said petitions, for the reasons best known, they have not taken any action and the petitioner in this regard has also submitted a representation dated 21.11.2016 to them and in spite of receipt and acknowledgment, no action whatsoever has been taken to comply with the above cited earlier order passed by this Court and therefore, prays for appropriate orders.

5. The learned Additional Government Pleader appearing for respondents 1 and 2 would submit that the order passed by this Court on an earlier occasion would be strictly complied with and encroachment would be removed after following due process of law.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner directs the 2nd respondent with the help of jurisdictional Surveyor to cause inspection in Survey No.480 and 481, Sammankulam Canal, Thalaikkadu Lake and in the Canal in Survey No.479 situated in Thalaikkadu Kannanmedu Village, Thiruthuraipoondi Taluk, Tiruvarur District and depending upon the result of survey and inspection, shall take immediate and appropriate action to remove the encroachments, if any, subject to legal interdict, and the said exercise is to be carried out within a period of ten weeks thereafter and communicate the decision taken to the petitioner as well as to the private respondents.

8. With the above directions, the writ petition stands disposed of. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Tiruvarur District, Tiruvarur.

2.The Tahsildar,
Taluk Office,
Thiruthuraipoondi,
Tiruvarur District.

+1 CC to Mr. Nagarajan, Advocate sr 31147.
+1 CC to Govt. Pleader sr 31330

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SP(24/05/2018)