

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2018

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

WP.No.367 of 2018 and WMP.No.426 of 2018

G.Kannayiram

... Petitioner

Versus

1. The State rep. by its
Secretary to Government of Tamil Nadu,
Department of Revenue,
Fort St. George, Rajaji Salai,
Chennai 600 009.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.

4. The Regional Divisional Officer,
Cheyyar, Cheyyar Taluk,
Thiruvannamalai District 604 407.

5. The Tahsildar,
Chetpet, Chetpet Taluk,
Thiruvannamalai District.

- 6 The Block Development Officer,
West Arni Panchayat,
Panchayat Union Office,
Arni.
 7. The Inspector of Police,
Chetpet Police Station,
Chetpet, Thiruvannamalai District.
 8. The Revenue Inspector,
Devikapuram,
(Formerly Arni Taluk, now Chetpet Taluk,
Thiruvannamalai District.
 9. The Village Administrative Officer,
Nachapuram,
Nambedu Post,
Chetpet Taluk,
Thiruvannamalai District.
- ..Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a writ of Mandamus directing the respondents herein to restore the water channel in Survey No.110/4 and remove the encroachments in Survey No.111/6 at Nachapuram, Karipur Village, Chetpet Taluk, Thiruvannamalai District, or any other impediments that have come up, so that rain water will reach through the Channel to the Periyakulam at Survey No.111/6 at the earliest point of time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Elumalai

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader
for respondents

ORDER

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

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

2. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 1 to 9.

3. The petitioner claims that he is the absolute owner of the property admeasuring to an extent of 1.95 acres comprised in Survey No.110/3 situate at Nachapuram, Karippur village, Chetpet Taluk and according to him, there was a water channel in Survey No.110/4 and the water flowing through the said channel is being used for agricultural purpose. The grievance expressed by the petitioner is that the said channel also lead to a small water body in Survey No.111/6 and on account of improper and in action on the part of revenue officials, the water channel got obliterated and exotic weeds had also not been removed on the water body which includes Seemai Karuvelam tree. In this regard, the petitioner submitted a representation dated 20.12.2017 to the respondents and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that the Block Development Officer / 6th Respondent has filed the Counter affidavit claiming that the water channel has been restored and encroachments have been removed; but it has not been done completely or effectively and prays for appropriate direction to restore the same to its original condition.

5. Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for respondents on instructions from 6th respondent who personally remain present before this Court, invited the attention of this Court to its Counter affidavit as well as to the typed set of documents and would submit that as per the village accounts / revenue records, Survey No.110/4 is classified as "Cart Track" 111/6 is classified as "Periakulam" (Kuttai) and the water channel to a length of 240 mtrs has been restored and excess weeds found on the small water body in Survey No.111/6 has also been completely removed and appropriate timely steps will be taken to maintain the same in the condition.

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

7. In the light of the stand taken by the 6th respondent in the Counter affidavit coupled with documents annexed to the typed set of documents filed on behalf of the petitioner, this Court is of the considered opinion that the Water channel which has been recently dug up as well as the pond in Survey No.111/6, Nachapuram, Karipur Village, Chetpet Taluk, Thiruvannamalai village, continue to be maintained properly and inspection shall also be done to ensure the same and further, the respondents 5 and 6 shall see to that no encroachments take place on the said lands.

8. The writ petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous petition is closed.

[M.S.N.,J] [P.R.M., J]
10.04.2018

Internet :No
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