

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9644/2018 & WMP.No.11564/2018

Muthaiya Desigar

.. Petitioner

Versus

1.The District Collector
Villupuram District,
Villupuram.

2.The Tahsildar
Villupuram.

3.The Block Development Officer
Koliyanur.

4.The Block Development Officer
Kandamangalam.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to remove the encroachments in the irrigation channel starting from Pennaiyar River in Arasamangalam Village, Villupuram Taluk passing through Survey Nos.636, 637, 638, 639 and 640 in Arasamangalam Village and in S.Nos.115 and 116 in C.Kallipattu Village and ultimately to Vadavambalam Village and thereby, free the channel from encroachments and also to immediately undertake desalting of the channel.

For Petitioner : Mr.N.Suresh

For R1 to R4 : 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.

2 The writ petition is styled as Public Interest Litigation and the petitioner would aver that he is the native of C.Kallipattu Village, Villupuram Taluk and District and he is an agriculturist, having 3 cents of land and according to him, an irrigation channel originates in Pennaiyar river in Arasamangalam Village, Villupuram Taluk, which passes through S.Nos.636, 637, 638, 639 and 640 of Arasamangalam Village and S.Nos.115 and 116 of C.Kallipattu Village and Vadvambalam Village and the said channel is meant for irrigating several agricultural lands which lie in the said villages and it is the main source for irrigation of the agricultural lands located in and around the said channel. The petitioner would further aver that it is called "Vadavambalam Vaaikkal" and there are very many encroachments on the said water course and as a consequence, water flow is getting blocked and as a natural corollary, the agriculturists are the affected persons as they are unable to utilise the water meant for agricultural operations. The petitioner, in this regard, has submitted a representation dated 17.02.2018 followed by a Legal Notice dated 31.03.2018 and despite receipt and acknowledgment, no steps whatsoever, have been taken to remove the encroachments and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner has invited the attention of this Court to the "A" Register Extract pertaining to S.Nos.63 to 640 of Arasamangalam Village and S.Nos.115 and 116 of C.Kallipattu Village and submitted that as per the Land Records e-Services information, the said lands are classified as Government lands and therefore, the respondents are duty bound to protect the same and also to remove the encroachment and despite the said fact of illegal encroachment was brought to the knowledge of the respondents, they failed to respond and left with no other option only, the petitioner has approached this Court by filing the present writ petition.

4 The Court heard the submissions of Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents and perused the materials placed before it.

5 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 respondents 2 to 4 to cause inspection of Vadavambalam channel, which according to the petitioner, originates from Pennaiyar River and leads to Vadavambalam village, with the aid of the revenue records within a period of six weeks from the date of receipt of a copy of this order. If the survey and inspection reveals that there are encroachers, put the encroachers on notice and thereafter, shall take appropriate action, in accordance with law within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the encroachers, if any.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The District Collector
Villupuram District,
Villupuram.
- 2.The Tahsildar
Villupuram.
- 3.The Block Development Officer
Koliyanur.
- 4.The Block Development Officer
Kandamangalam.

+1cc to M/s.N.Suresh, Advocate Sr.No.29437
+1cc to Government Pleader SR.No.30020

MP(CO)
sm:14.5.2018

WP.No.9644/2018

सत्यमेव जयते

WEB COPY