

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.01.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.33993 of 2017

Thangavel .. Petitioner

Vs.

- 1.The State rep. By the Secretary,
Revenue Department,
Fort St., George, Chennai - 600 009.
 - 2.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
 - 3.The District Collector,
Salem, Salem District.
 - 4.The Revenue Divisional Officer,
Sankari Taluk, Salem District.
 - 5.The Tahsildar,
Sankari Taluk, Salem District.
 - 6.The Revenue Inspector,
Thevoor, Sankari Taluk,
Salem District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 3 to 6 to implement the undertaking given before the 2nd respondent in the order dated 20.12.2016 by restoring the canal in S.No.96/15 situated at Koneripatti Agraharam Village, Sankari Taluk, Salem District.

For Petitioner : Mr.M.Elango

For RR 1 to 6 : Mr.R.Venkatesh
Government Advocate

O R D E R

[Order of the Court was made by S.VAIDYANATHAN, J.]

Heard the learned counsel for the petitioner.
Mr. A.N.Thambidurai, learned Special Government Pleader takes

notice for respondents 1 to 4; Mr.K.Soundararajan, learned Standing Counsel takes notice for the 5th respondent and Mr.C.Johnson, learned Standing Counsel takes notice for the 6th respondent. By consent, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with this writ petition to direct the respondents 3 to 6 to implement the undertaking given by him before the 2nd respondent in the order dated 20.12.2016 by restoring the canal in S.No.96/15 situated at Koneripatti Agraharam Village, Sankari Taluk, Salem District.

3.According to the petitioner, there was an undertaking given before the 2nd respondent, which has been incorporated in the order dated 20.12.2016, which according to the petitioner has not been adhered to.

4.It is stated that the petitioner has given consent for removing the encroachment to ensure that the water bodies are protected. As on date, the same has not been complied with and hence, the petitioner sought for a mandamus in this writ petition.

5.The learned counsel for the 2nd respondent submitted that there is possibility of filing of appeal against the said order dated 20.12.2016 and whether the same is pending has got to be ascertained.

6.In reply, the learned counsel for the petitioner has submitted that there is no provision for appeal and that the said order has become final.

7.Admittedly, there is an undertaking, which is extracted at paragraph 10, in the order dated 20.12.2016 in Proceedings No. T2/14264/2016 and the same is reproduced hereunder:

"10.The revision petitioner himself has admitted that he has encroached Odai Poramboke which is a highly objectionable water course and he has made a plea only that the original Vaikkal may be restored. The Revenue officials have also accepted that this will be complied with. Hence the revision petition filed before this forum is disposed of accordingly."

8.Therefore, if no appeal has been preferred as on date or if no appeal provision is provided to challenge the revision order, the respondents are expected to comply with the undertaking within 15 days from the date of receipt of copy of this order, failing which, the authorities who are responsible to carry out the directions in the revision order, will have to face appropriate disciplinary proceedings. The Chief Secretary is directed to initiate action against the

officials who have not followed the directions given in the revision order dated 20.12.2016.

9.With the above observations, the Writ Petition stands disposed of. No costs.

Sgl

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

- 1.The Chief Secretary to Govt.
Secretariat, Fort St. George, Chennai.
- 2.The Secretary, The State,
Revenue Department,
Fort St., George, Chennai - 600 009.
- 3.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 4.The District Collector,
Salem, Salem District.
- 5.The Revenue Divisional Officer,
Sankari Taluk, Salem District.
- 6.The Tahsildar,
Sankari Taluk, Salem District.
- 7.The Revenue Inspector,
Thevoor, Sankari Taluk, Salem District.
- 8.The Government Advocate,
High Court, Madras.

+1CC to Govt Pleader SR.NO.453
+1CC to Mr.M.Elango Advocate SR.NO.927

W.P.No.33993 of 2017

CS[CO]
MK:03/02/2018