

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.12002/2018

Chinnappan

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Petitioner

Versus

1.The District Collector
District Collector Office
Villupuram.

2.The Revenue Divisional Officer
Revenue Divisional Office,
Kallakurichi, Villupuram District.

3.The Revenue Tahsildar
Revenue Tahsildar Office,
Sankarapuram, Villupuram District.

4.The Assistant Engineer
Public Works Department
Sankarapuram, Villupuram District.

5.Joseph

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Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment of the 5th respondent and others in the stream as well as in the pond comprised in Survey Nos.48, 49A, 49B and 51 situated at Melsiruvallur Village, Sankarapuram Taluk, Villupuram District and restore the water course to its original stage so that it can be effectively put into use by public, based on the representation of the petitioner dated 29.05.2017 within the time to be stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For R1 to R4 : Mrs.M.Lalitha, GA

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.Lalitha, learned Government Advocate accepts notice on behalf of the respondents 1 to 4.

2 The writ petition is styled as a Public Interest Litigation filed by an agriculturist, having residence at Tiruvannamalai Main Road, Melsrivallur Koot Road, Melsiruvallur Post, Sankarapuram Taluk, Villupuram District and according to him, there is a stream passing through the adjacent land in S.No.50/17 of the said Village and it is the only source for carrying out the agricultural activities in respect of 500 acres of agricultural lands situate in the said village. The petitioner expresses his grievance that the 5th respondent, who has no right whatsoever, had encroached upon the said water stream and obliterated the same and also constructed a superstructure which houses a chicken poultry. The petitioner, in this regard, has submitted a representation dated 29.05.2017 to the 1st respondent with copies marked to the respondents 2 and 3 and despite receipt and acknowledgment, no action has been taken whatsoever and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mrs.M.Lalitha, learned Government Advocate appearing for the respondents 1 to 4 and perused the materials placed before it.

4 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 3rd respondent, to put the 5th respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 29.05.2017 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent herein.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

AP

To

1.The District Collector
District Collector Office
Villupuram.

2.The Revenue Divisional Officer
Revenue Divisional Office,
Kallakurichi, Villupuram District.

3.The Revenue Tahsildar
Revenue Tahsildar Office,
Sankarapuram, Villupuram District.

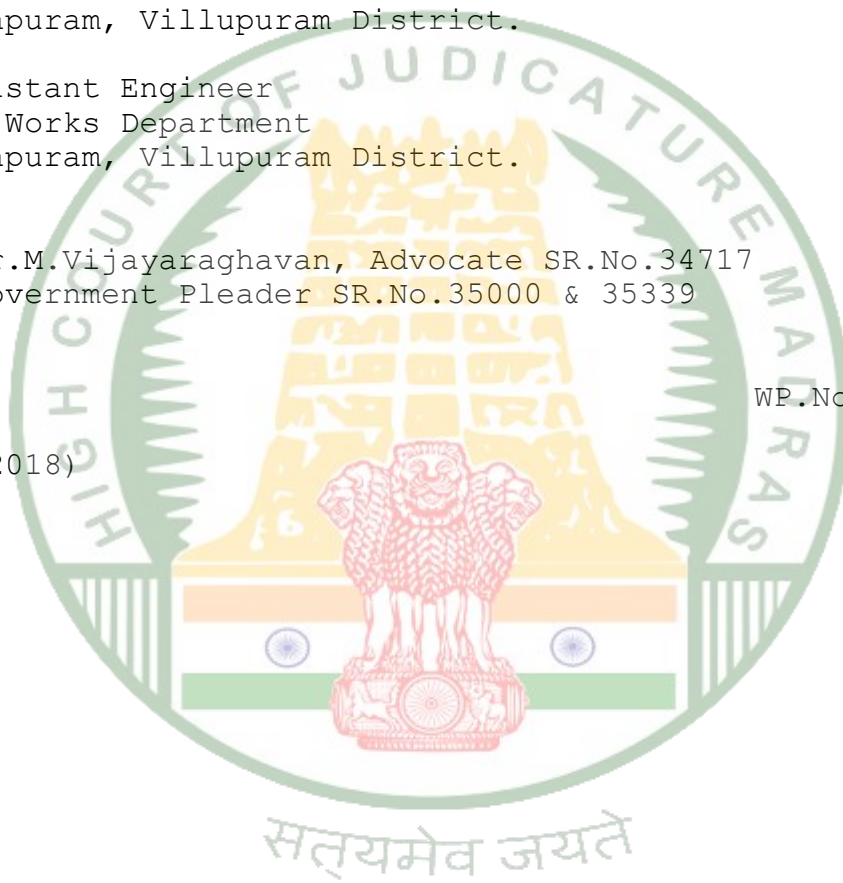
4.The Assistant Engineer
Public Works Department
Sankarapuram, Villupuram District.

+1cc to Mr.M.Vijayaraghavan, Advocate SR.No.34717

+1cc to Government Pleader SR.No.35000 & 35339

WP.No.12002/2018

GN(11/06/2018)



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