

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13665 of 2018

G.Vijayakumar

... Petitioner

Versus

1.The District Collector,
Villupuram District.
Villupuram.

2.The Revenue Divisional Officer,
Kallakurchi,
Villupuram District.

3.The Revenue Tahsildar,
Sankarapuram,
Villupuram District.

4.The Block Development Officer,
Panchayat Union Office,
Rishivanthiyam (Ariyalur),
Villupuram District.

5.The Executive Engineer,
Public Works Department,
Kallkurichi,
Villupuram District.

6.Raman

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to remove the encroachment made by the 6th respondent in the Canal comprised in S.F.Nos.169/4 at Odiyenthal Village, Kadambur Post, Sankarapuram Taluk, Villupuram District and to restore back to its original stage so that it can be effectively put into use by the public, based on the representation of the petitioner dated 10.05.2017, within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Vijayaragavan

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.
for R1 to R5

ORDER
(Order of the Court was made by
M.SATHYANARAYANAN, J.)

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

2. The petitioner, who claims to be a practicing Advocate (Enrolment No.3033/2010) - Bar Council of Tamil Nadu & Puducherry, came forward to file this writ petition styled as a Public Interest Litigation, stating among other things that there is an irrigation channel comprised in S.No.169/4 of the Odiyenthal Village, Sankarapuram Taluk, Villupuram District and the 6th respondent without permission / authorization, had encroached upon the same and as a consequence, the agriculturists, who are carrying on agricultural operations are affected. The petitioner in this regard has submitted a representation dated 10.05.2017 to the respondents 1 to 5 and on receipt of the same, the office of the first respondent, vide communication dated 24.07.2017 in O.Mu.Aa5/20715/2017 has directed the third respondent to take appropriate action and inform the petitioner as well as their office and in spite of it, no action has been taken to remove the encroachment and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader, who accepts notice on behalf respondents 1 to 5.

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 respondents 4 and 5 to put the petitioner, the 6th respondent and other encroachers, if any, on notice and shall cause joint inspection of the alleged water source in S.No.169/4 on Odiyenthal Village, Sankarapuram Taluk, Villupuram District, within a period of six weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take appropriate action in accordance with law and communicate the decision taken to the petitioner, the 6th respondent and other encroachers/persons concerned, if any.

5. The writ petition stands disposed of accordingly. No costs.

Sd/--
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

klt/svki

To

- 1.The District Collector,
Villupuram District, Villupuram.
- 2.The Revenue Divisional Officer,
Kallakurchi, Villupuram District.
- 3.The Revenue Tahsildar,
Sankarapuram, Villupuram District.
- 4.The Block Development Officer,
Panchayat Union Office,
Rishivanthiyam (Ariyalur),
Villupuram District.
- 5.The Executive Engineer,
Public Works Department,
Kallkurichi, Villupuram District.

+1cc to Mr.M.Vijayarghavan, Advocate Sr.No.35379
+1cc to Government Pleader Sr.No.36062

SSV(CO)
GSP:21.6.2018

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