

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13755 of 2018

K.Nagarajan,
S/o.Kannan

..

Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Villupuram.
- 2.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kallakurichi, Villupuram District.
- 3.The Tahsildar,
Sankarapuram Taluk, Villupuram District.
- 4.The Revenue Tahsildar,
Sankarapuram, Villupuram District.
- 5.The Block Development Officer,
Panchayat Union Office,
Sankarapuram, Villupuram District.
- 6.M.Sekar S/o.Muniyan

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 5 to remove the encroachment made by the sixth respondent in the Well and Lane comprised in S.F.Nos.163/8 and 163/10, respectively in Rangappanur Village, Sankarapuram Taluk, Villupuram District and remove the encroachment in water courses between Rangappanur Lake to Vazhinchal Lake and in between the Vazhinchal Lake to Puththirampattu Lake to its original stage so that it can be effectively used by the public based on the petitioner's representations dated 16.12.2015 and 28.02.2018, within a time stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For Respondents: Mr.R.Udhaya Kumar,
Additional Government Pleader [R1 to R5]

O R D E R

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

By consent, the writ petition is taken up for final disposal. Mr.R.Udhaya Kumar, learned Additional Government Pleader, accepts notice on behalf of respondents 1 to 5.

2. Petitioner came forward to file this writ petition styled as a Public Interest Litigation stating among other things that in the boundaries of Rangappanur Village, Grama Natham Survey No.163/8, there was a Well belonging to the Government and it was used by the residents of the locality. Nearby the said Well, there was a public Lane in Grama Natham Survey No.163/10 and it was also used by the residents. The grievance expressed by the petitioner is that the sixth respondent had committed acts of encroachments and encroached upon the said survey numbers and as such, there was no free flow of water and that the residents of the locality are also unable to use the Lane. In this regard, the petitioner has submitted a representation to the concerned officials. The office of the first respondent, on receipt of the representation dated 16.12.2015 submitted by the petitioner, has directed the fourth respondent to look into the same and take appropriate action and inform the petitioner. Despite such direction and even after lapse of nearly three years, no action has been taken to remove the encroachment. Therefore, petitioner is constrained to approach this Court by filing this writ petition.

3. Learned counsel for the petitioner would submit that the petitioner is not an encroacher and this writ petition is filed purely in public interest alleging illegal encroachment on the part of the sixth respondent.

4. Mr.R.Udhaya Kumar, learned Additional Government Pleader, appearing for respondents 1 to 5 would submit that due inspection would be carried out on the basis of records and depending upon the same, further action will be taken and also prays the leave of this Court to verify whether the petitioner is also an encroacher or not.

5. This Court has considered the rival submissions and perused the typed set of documents.

6. 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 3 and 5 to put the petitioner as well as the sixth respondent on notice and to cause inspection whether the sixth respondent had encroached upon the Well and Lane and whether the petitioner is an encroacher or not. The said exercise is to be carried out within

a period of six weeks from the date of receipt of a copy of this order and depending upon the same, the said officials shall take further action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the sixth respondent. In the event of respondents 3 and 5 noting any further encroachment, they may take appropriate action to remove the same in accordance with law.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The District Collector,
District Collector Office, Villupuram.
- 2.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kallakurichi, Villupuram District.
- 3.The Tahsildar, Sankarapuram Taluk,
Villupuram District.
- 4.The Revenue Tahsildar,
Sankarapuram, Villupuram District.
- 5.The Block Development Officer,
Panchayat Union Office,
Sankarapuram, Villupuram District.

+lcc to Mr.M.Vijayaragavan, Advocate, S.R.No.35600

+lcc to the Government Pleader, S.R.No.36266

W.P.No.13755 of 2018

BS(CO)
CS/19/06/18