

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

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

WP.No.13848 of 2018

K.Megavannan

.. Petitioner

/vs/

1. The District Collector,
Kancheepuram District.
2. The District Revenue Officer,
Kancheepuram District.
3. The Revenue Divisional Officer,
Madurantakam,
Kancheepuram District.
4. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

5. Marimuthu

6. Shankar

7.Sundaramoorthy

8. Rajendran

9. Deivasigamani

10.Kandiban

11.Kannabiran

12. Jayachandran

13. Chellamuthu

14. Chandiran

... Respondents

PRAYER: Writ petition filed under Article 226 of the

Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to consider the petitioner's representation dated 27.09.2017 seeking action against illicit encroachment by the respondents 5 to 14 over the water bodies running at Kadalur Village, Cheyyur Taluk, Kancheepuram District comprised in S.Nos.120, 133, 134, 184.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.R.Udhaya Kumar

Additional Government Pleader for R1 to R4

ORDER

[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 for respondents 1 and 4.

2. The writ petition styled as a Public Interest Litigation filed by the petitioner claims to be the permanent resident of Kadalur Village, Cheyyur Taluk, Kancheepuram District. According to him, the residents of the said Village are eking out their livelihood by doing agricultural operation and the private respondents, I had illegally occupied the water course in S.Nos.120, 133, 134 and 184, and obstruct the free flow of water and as a consequence, the agriculturalist and other residents of the said Village are put to great hardship and mental agony. In this regard, representations dated 27.09.2017 and 19.10.2017 have been submitted to the concerned officials including Personal Secretary to Government of India and despite receipt and acknowledgment of the same, no action whatsoever has been taken to remove the said encroachment and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the 'A' Register of Kadalur Village and would submit that even as per the classification, the lands in question are classified as 'Maduvu' (மடுவு) check dam and on account of the encroachment caused by the private respondents, the agriculturalist and the residents of the Village are put to great loss and therefore, prays for appropriate orders, may be passed to remove the encroachment in accordance with law.

4. Mr.R.Udhaya Kumar, learned Additional Government Pleader appearing for the respondents would submit that the petitioner himself is an encroacher and action will be taken as expeditiously as possible in accordance with law to remove the encroachment.

5. This Court has considered the rival submissions and also perused the materials placed before it.

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 4th respondent to cause inspection of the lands in S.Nos.120, 133, 134 and 184, Kadalur Village, Cheyyur Taluk, Kancheepuram District within a period of six weeks from the date of receipt of copy of this order and if the inspection reveals that there are encroachments, by following the due process of law, and after putting the encroachers on notice, shall take necessary steps to remove the encroachment, within a further period of 10 weeks thereafter and communicate the decision taken to the petitioner as well as to the person concerned / encroachers.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

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Kancheepuram District.
2. The District Revenue Officer,
Kancheepuram District.
3. The Revenue Divisional Officer,
Madurantakam,
Kancheepuram District.
4. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

+1cc to Mr.G.Magesh Kumar, Advocate SR.No.38357

WP.No.13848 of 2018

SPD(CO)
GN(04/07/2018)