



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.6073 of 2018

Ibrahim

... Petitioner

-vs-

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Executive Engineer,
Water Resources Organisation,
Public Welfare Department,
Ariyaru Irrigation Division,
Subramaniyapuram, Trichy.
- 3.The Executive Engineer,
Water Resources Organisation,
Public Welfare Department,
River Protection Division,
Adjacent to District Court Campus,
Cantonment, Trichy.
- 4.The Revenue Divisional Officer,
Srirangam Revenue Divisional Office,
Manapparai, Srirangam Division,
Trichy.
- 5.The Thasildar,
Thasildar Office,
Srirangam,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents herein to take action on the petitioner's representation dated 20.01.2018 for removal of encroachment made in channel (vaikal) situated in S.No.625/1 at Imamkulathur village, Srirangam Taluk, Trichy District within the time that may be stipulated by this Court.



For Petitioner : Mr.M.Siddharthan

For Respondent : Mr.M.Pandiarajan, AGP

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O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.M.Siddharthan, learned counsel appearing for the petitioner and Mr.M.Pandiayarajan, learned Additional Government Pleader appearing for the respondents.

2.The petitioner has approached this Court seeking a direction to all the respondents to remove the alleged encroachments in a water channel comprised in S.No.625/1 at Imamkulathur village, Srirangam Taluk, Trichy District.

3.Though the prayer sought for by the petitioner is an omnibus relief, the learned counsel for the petitioner would submit that it is the third and fifth respondents who have to take action on the representation. The learned counsel has invited the attention of this Court to the FMB sketch prepared by the Zonal Deputy Tahsildar, Srirangam, wherein, it has been mentioned that water channel has been blocked by Tr.Nagamuthu and two others. However, the petitioner has not impleaded the so called encroachers, who are alleged to have blocked the water channel.

4.This would be sufficient for this Court to reject the relief sought for by the petitioner. However, considering the fact that the revenue authority has shown in the FMB sketch that there is an obstruction to a channel, the authorities have to look into the complaint given by the petitioner. For that reason alone, we direct the fifth respondent to consider the petitioner's representation dated 20.01.2018 after notice to the petitioner and the alleged encroachers. After service of notice, the fifth respondent shall direct the competent authority of survey department to inspect the channel and if there is any blockage to the channel or encroachment, the same shall be removed in accordance with law. The above direction will be complied with, within a period of 12 weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Crl.Side)

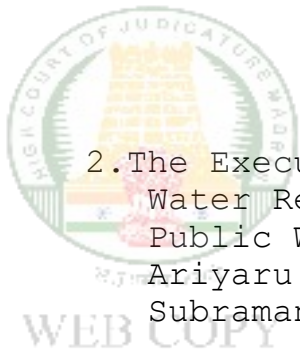
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Sub-Assistant Registrar

To

1.The District Collector,

<https://hcservices.ecourts.gov.in/hcservices/> Trichy District, Trichy.



2.The Executive Engineer,
Water Resources Organisation,
Public Welfare Department,
Ariyaru Irrigation Division,
Subramaniyapuram, Trichy.

3.The Executive Engineer,
Water Resources Organisation,
Public Welfare Department,
River Protection Division,
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4.The Revenue Divisional Officer,
Srirangam Revenue Divisional Office,
Manapparai, Srirangam Division,
Trichy.

5.The Thasildar,
Thasildar Office,
Srirangam,
Trichy District.

+One cc to M/s.M.Siddarthan, Advocate, SR.No.57204

+One cc to The Special Government Pleader, SR.No.57608

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RL/8C/3P/SKN/RSK/SAR1/6/4/2018

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