

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29443/2019

Prakash

Petitioner

Versus

- 1.The District Collector
Krishnagiri District.
- 2.The Tahsildar
Denkanikottai Taluk
Krishnagiri District.
- 3.The Block Development Officer
Thali, Krishnagiri District.
- 4.Anthony
- 5.Lawrence
- 6.Chinnappa
- 7.Royappa
- 8.Jakkares
- 9.Chinnappa @ Rajappa
- 10.Jacob
- 11.Arulappa
- 12.Elezebeth
- 13.Ananth
- 14.Doss

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment by the respondents 4 to 14 in the embankment and canal of Choolai Lake in S.Nos.548, 648, 574, 575, 576 and 632 Kuppatti Village, Denkanikottai Taluk, Krishnagiri District based on petitioner's representation dated 23.05.2018 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.M.Thiruvengadam
For R1 to R3 : Mr.Akhil Akbar Ali, GA

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal.
- (2) The petitioner would state that he and his brother are owners of the agricultural lands comprised in S.Nos.635/1, 635/9, 645 and 646/1 admeasuring to the extent of 0.08.0 Hectares ;0.02.0 Hectares, 0.58.0 Hectares and 0.16.5 Hectares, respectively, situate at Kuppatti Village, Denkanikottai Taluk, Krishnagiri District and through S.Nos.548, 648, 574, 575, 576 and 632, a canal/water channel is there and the embankment on the canal lake is about 40 feet width. It is the specific case of the petitioner that the said water course is under encroachment at the hands of respondents 4 to 14 and they also started putting up some constructions without authorisation. The petitioner, in this regard, has submitted a representation to the Hon'ble Chief Minister Grievance Cell and the said Cell, in turn, forwarded the papers to the 3rd respondent, who in turn, vide communication dated 14.06.2019, in Na.Ka.No.29/2019/A5 requested the 2nd respondent to furnish FMB Sketch as well as the measurement of the water channel so as to enable them to take appropriate action. Thereafter, nothing is moving forward. Hence, the petitioner is constrained to approach this Court by filing the present writ petition.
- (3) Attention of this Court is also invited to the photographs available at page No.10 of the typed set of documents.
- (4) Mr.Akhil Akbar Ali, learned Government Advocate accepts notice on behalf of the respondents 1 to 3 and he would submit that this Court may direct the Tahsildar as well as the jurisdictional Taluk Surveyor to comply with the communication of the 3rd respondent dated 14.06.2019 with a further direction to take appropriate action.
- (5) This Court has considered the rival submissions and also perused the materials placed before it.
- (6) Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 2nd respondent to comply with the above cited communication of the 3rd respondent dated

14.06.2019 and provide the 3rd respondent, with FMB Sketch as well as the measurement of the water channel within a period of three weeks from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of the same and depending upon the contents of the said report, shall put the petitioner as well as the private respondents on notice, and thereafter, take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the private respondents. It is also made clear that the jurisdictional Taluk Surveyor shall extend necessary and maximum cooperation to the 3rd respondent to carry out the task as directed by this Court.

(7) The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Krishnagiri District.
2. The Tahsildar
Denkanikottai Taluk
Krishnagiri District.
3. The Block Development Officer
Thali, Krishnagiri District.

+1 cc to M/s.K.Thiruvengadam, Advocate Sr.No. 86250

+1 cc to The Government Pleader Sr.No. 86878

AKM/21.11.19/3P-6 C /

WEB COPY

WP.No.29443/2019