

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29624/2019

G.Vijayakumar

..

Petitioner

Versus

- 1.The District Collector
Tiruvannamalai District,
Tiruvannamalai.
- 2.The District Revenue Officer
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Revenue Divisional Officer
Chengam, Tiruvannamalai
Tiruvannamalai District.
- 4.The Tasildar
Chengam Taluk
Tiruvannamalai, Tiruvannamalai District.
- 5.The Block Development Officer
Chengam, Tiruvannamalai District.
- 6.Kasinathan
- 7.Elumalai
- 8.Tamil Selvan
- 9.Kandan
- 10.Mani
- 11.Ranjith

..

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 5 to remove the encroachments made in S.No.7, 24 and 26 situate at Pinjur Village, Chengam Taluk, Tiruvannamalai District and restore the channel to its original width and grant such other relief deem fit and proper.

For Petitioner : Mr.K.Gurusamy Raja

For R1 to R5 : Mr.V.Jayaprakash Narayan
Government Pleader

ORDER

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

(1) By consent, the writ petition is taken up for final disposal. Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of respondents 1 to 5.

(2) The petitioner claims to be the absolute owner of the landed property admeasuring to an extent of 1.38 Acres comprised in S.No.25/1A as well as lands admeasuring to an extent of 2 cents and 0.54 ares respectively in S.Nos.25/2A and 25/1A2 situate at Pinjur Village, Chengam Taluk, Tiruvannamalai District and he claims to have purchased a portion of the property through a registered Sale Deed dated 05.12.2010 bearing Document No.6964/2012.

(3) The grievance expressed by the petitioner is that the private respondents had encroached upon the part of the water body, viz., 'Neer Nagamarathu Eri' and in the process, obliterated the water channel. The petitioner in this regard, has given a representation dated 09.07.2018, based on which, the District Rural Development Agency, Tiruvannamalai, sent a communication dated 26.10.2018 in Na.Ka.No.198/2017/A4 to the Block Development Officer, with a copy marked to the Assistant Director of Panchayat, Tiruvannamalai zone as well as to the petitioner and the contents of the said communication would disclose that the Block Development Officer was directed to take appropriate action and inform the same to the petitioner. It is the further grievance of the petitioner that despite such a communication, the 5th respondent/Block Development Officer, did not take any action and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

(4) Heard the submissions of the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 5 also perused the materials placed before it.

(5) This Court, taking into consideration, the above facts and circumstances and also the materials and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 5th respondent/Block Development Officer, to act on the communication of the District Rural Development Agency, Tiruvannamalai, dated 26.10.2018 in Na.Ka.No.198/2017/A4 and take appropriate action in accordance with law by adhering to

the principles of natural justice and the decision taken in that regard shall be communicated to the petitioner as well as to the private respondents and such exercise is to be carried out within a period of ten weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Tiruvannamalai District,
Tiruvannamalai.
- 2.The District Revenue Officer
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Revenue Divisional Officer
Chengam, Tiruvannamalai
Tiruvannamalai District.
- 4.The Tasildar
Chengam Taluk
Tiruvannamalai, Tiruvannamalai District.
- 5.The Block Development Officer
Chengam, Tiruvannamalai District.
6. The District Rural, Development Agency,
Tiruvannamalai.

+1cc to Mr.R.Rajarajan, Advocate SR.No.87056

+1cc to Government Pleader SR.No.87016

WP.No.29624/2019

SPD (CO)
GMY (28/11/2019)