

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.31090/2019

N.Sengodan

..Petitioner

Versus

1.The District Collector
Erode District.

2.The Tahsildar
Perundurai,
Erode District.

3.K.Dhanasekar
4.C.Bhuvanesh Kumar

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in the Odai Poramboke which runs through RS.No.43, 44, 45 and 46 of Kanjikoil Village, Perundurai Taluk, Erode District within the time fixed by this Court.

For Petitioner :Mr.I.C.Vasudevan

For RR 1 and 2 :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 the respondents 1 and 2.

(2)The petitioner is th owner of the agricultural lands in RS.Nos.130/4,5,6 as well as in RS.Nos.155/3 and 155/4 at Pallapalayam Village, Perundurai Taluk, Erode District and he is cultivating the lands. The grievance expressed by the petitioner is that there is a water course running through

S.Nos.43, 44, 45 and 46 of Kanjikoil Village and obstructing the said water course, there are encroachments in the form of some constructions put up by the private respondents and the said encroachments also impede the free flow of the water and therefore, the petitioner as well as the neighbouring agriculturists / other owners are affected.

(3) The learned counsel for the petitioner would submit that the petitioner, in this regard, has submitted a representation dated 16.09.2019 to the 1st respondent in person and despite receipt and acknowledgment, no action is being taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

(4) The Court heard the submissions of Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.

(5) This Court, taking into consideration, the above facts and circumstances as well as the arguments advanced by the learned counsel for the petitioner and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation by enclosing relevant and authenticated documents to the respondents 1 and 2 by RPAD within a period of ten weeks from the date of receipt of a copy of this order and upon receipt of the same, the 2nd respondent shall cause inspection of the land and water course therein in RS.Nos.43, 44, 45 and 46 of Kanjikoil Village, Perundurai Taluk, Erode District and if the inspection reveals that there is a water course and there are encroachments upon it, shall put the concerned person/s on notice which may include respondents 3 and 4, take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner. Respondents 3 and 4 as well as the person/s concerned.

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

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

AP

To

1. The District Collector
Erode District.

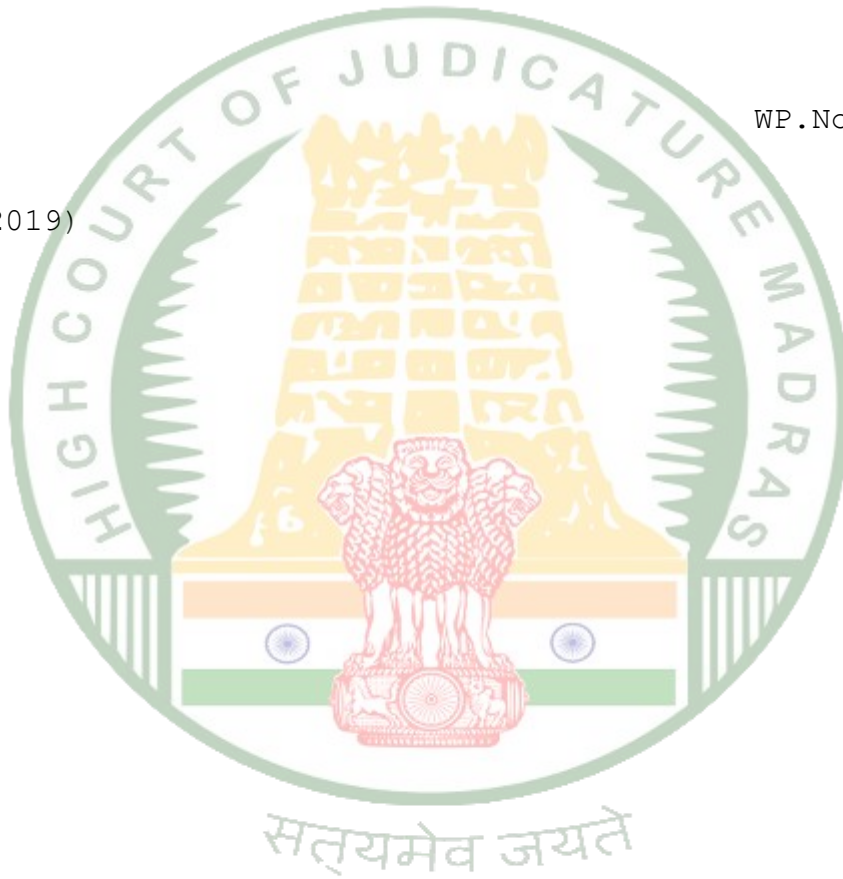
2. The Tahsildar
Perundurai,
Erode District.

+1 CC to Mr.I.C.Vasudevan, Advocate sr 91953.

+1 CC to The Govt. Pleader sr 91809.

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NMI (CO)
SP (12/12/2019)



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