

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.31873 of 2019

P.Rathinavel ... Petitioner

Vs

1.The District Collector,
Villupuram.

2.The Sub - Collector,
Thindivanam.

3.The Tahsildar,
Taluk Office Thindivanam.

4.Thiru Nagarajan

5.Thiru Sankar

6.Ayyammal

7.Perumal Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus Directing the respondents 1 to 3 to consider removal of encroachments in S.No.35, Naduvananthal Village , Nallachanoor Tank, on the basis of the representation dated 02/05/2019 with consequential direction there to by the 1st respondent made in Oo.Mu.Aa.5/11146/2019 dated 08/05/2019 and that of the Assistant Director land records Through Na.Ka.Oo.2/2078/2019 dated 13/05/2019 on merits.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

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

The petitioner, who claims to be a Public Interest Litigant, on instructions would submit that the petitioner is an encroacher of common public land / water course / water body and came forward to file this Writ Petition as a Public Interest Litigation alleging that the private respondents had encroached upon the land classified as 'Odai Poromboke' watercourse poromboke in Naduvanandhal Village S.Nos.16, 120, 128, 130 as well as S.No.107 and thereby obstructing the flow of water to the water body.

2. Mr.L.Chandrakumar, learned counsel appearing for the petitioner has invited the attention of this Court to the proceedings of the Personal Assistant to 1st respondent (general) Villupuram dated 13.05.2019 in Na.Ka.OO(2)/2678/2019 and would submit that a direction was given to the 3rd respondent to remove the encroachment and inform the decision taken to the petitioner as well as to send a report to the office of the 1st respondent. Though nearly six months had lapsed, no further action is taken place and therefore the petitioner is constrained to approach this Court by filing this Writ petition.

3. This Court heard the submission of the learned counsel appearing for the petitioner and also perused the materials placed before it.

4. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and on account of on-going monsoon and without going into the merits of the claim projected by the petitioner either in his representation or in this Writ petition, directs the 3rd respondent to act on the communication of the Personal Assistant to the 1st respondent (General) Villupuram dated 13.05.2019 and follow all the procedures in accordance with law by adhering to the principles of natural justice and take appropriate action against the respondents 4 to 7 and other encroachers, if any, as directed in the above said communication and the entire exercise shall be completed within a period of 10 weeks from the date of receipt of a copy of this order and communication in this regard shall also be sent to the petitioner as well as to the private respondents 4 to 7 as well as to the persons concerned.

5. The writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram.

2.The Sub - Collector,
Thindivanam.

3.The Tahsildar,
Taluk Office Thindivanam.

+1cc to Mr.L.Chandrakumar, Advocate Sr.94867

WP.No.31873 of 2019

rsv[col]
srg 26/12/2019

सत्यमेव जयते

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