

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30668 of 2019
and W.M.P.No.30743 of 2019

T.Maheswaran

.. Petitioner

Versus

1.The District Collector
Nagapattinam, Nagapattinam District.

2.The Revenue Divisional Officer
Mayiladuthurai Division, Mayiladuthurai.

3.The Tahsildar
Kutthalam Taluk, Kutthalam,
Nagapattinam District.

4.The Executive Engineer,
Public Works Department,
Cauvery Delat Region,
Thennamara Salai, Mayiladuthurai.

5.The Block Development Officer
Kutthalam, Nagapattinam District. .. 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 4 to remove the encroachment in survey No.191, Kadalangudi Village, Thiruvarkudi, Kutthalam Taluk, Nagapattinam District and based on the petitioner representation dated 29/05/2019 in accordance with law and within the time frame fixed by this Honourable Court.

For Petitioner : Mr.S.Sarathchandran
for Mr.K.M.Vijayan Associates

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

The matter in issue pertains to alleged encroachment on the watercourse. The petitioner would submit that he is an Agriculturist by profession and is in possession of 1.5 acres of Agricultural land in Kadalangudi Village, Thiruvolkudi, Kutthalam Taluk, Nagapattinam District and according to him, the land in S.No.191 and 192/1 as per village records are classified as water course and the 5th respondent already started putting up a mud road right across the said watercourse and since the representation submitted in that regard to the 1st respondent has failed to invoke any kind of response, he came forward to file this writ petition.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that based on the representation dated 28.08.2019 submitted by the petitioner to the 1st respondent has directed the 4th respondent as well as the 2nd respondent to take appropriate action and the second respondent in turn has sent a Memo in Tha.Pa.No.34/2019/m6 dated 25.06.2019 to the 3rd respondent to take appropriate action and to inform the said decision to their office and despite that no action whatsoever has been taken and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Mr.Jayaprakash Narayanan, learned Government Pleader accepts notice on behalf of the respondents 1 to 4.

4. This Court, after taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the 3rd respondent to act on the communication of the 2nd respondent dated 25.06.2019 in Tha.Pa.No.34/2019/m6 and take appropriate action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken in this regard, to the petitioner,

5. In the result, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector
Nagapattinam, Nagapattinam District.
- 2.The Revenue Divisional Officer
Mayiladuthurai Division, Mayiladuthurai.
- 3.The Tahsildar
Kutthalam Taluk, Kutthalam,
Nagapattinam District.
- 4.The Executive Engineer,
Public Works Department,
Cauvery Delat Region,
Thennamara Salai, Mayiladuthurai.
- 5.The Block Development Officer
Kutthalam, Nagapattinam District.

+1 cc to M/s.V.Jayaprakash Narayanan,Advocate Sr.No. 90148

+1 cc to M/s.K.M.Vijayan Associates Sr.No. 90027

+1 cc to The Government Pleader Sr.No. 89976

AKM/05.12.19/3P-9C /

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