

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.31162 of 2018

and

W.M.P.No.36359 / 2018

B.Nirmalkumar

.. Petitioner

-vs-

1.The District Collector,
Villupuram District,
Villupuram.

2.The Executive Engineer,
Water Resources Department,
Lower Pennaiyar Basin Division,
Villupuram.

3.The Thasildhar,
Ulundurpet.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to remove the encroachments in the irrigation channel (River and Stream with Anaicut) starting from Malatar river in Semangalam Village, Ulundurpet Taluk passing through Survey Nos.46, 47, 48, 49, 50, 4, 5, 8 and 10 and ultimately to Karumbur village and thereby free the channel from encroachments.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)

ORDER

The petitioner is seeking directions to the respondents to remove encroachments in the irrigation channel (River and Stream with Anaicut) starting from Malatar river in Semangalam Village, Ulundurpet Taluk passing through Survey Nos.46, 47, 48, 49, 50, 4, 5, 8 and 10 and ultimately to Karumbur village and thereby free the channel from encroachments.

2. The learned Government Pleader (i/c) appearing for the respondents has tendered the counter-affidavit of respondent No.3 i.e., the Tahsildar, Ulundurpet. In the counter-affidavit of respondent No.3, it is stated that all encroachers were served notices on 03.12.2018 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. It is further stated in the counter-affidavit that after reasonable time limit given to encroachers, Form-6 notices were served on 11.01.2019 and the Block Development Officer, Thiruvannainallur has fixed the eviction date as 30.01.2019 and the same was communicated to the Tahsildar, Ulundurpet and other related higher authorities so that the eviction can be carried out without any law and order issues.

3. In view of the counter-affidavit of respondent No.3 i.e., the Tahsildar, Ulundurpet, no further directions are necessary in the writ petition and the writ petition is closed. No costs. Consequently, W.M.P.No.36359 of 2018 is closed.

Sd/-
Assistant Registrar

//True Copy//

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To

Sub Assistant Registrar

1.The District Collector,
Villupuram District, Villupuram.

2.The Executive Engineer,
Water Resources Department,
Lower Pennaiyar Basin Division, Villupuram.

3.The Thasildhar, Ulundurpet.

+1 cc to M/s.N.Suresh, Advocate, S.R.No.4722
+1 cc to the Government Pleader, S.R.No.4323

W.P. No.31162 of 2018

PPA (CO)
SSM(15/02/2019)