



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.30297 of 2018

Thiyagi A.M.Dhuraikannu

... Petitioner

vs.

1. The District Collector,
Thiruvannamalai District.
2. The Assistant Director (Panchayats)
Thiruvannamalai District.
3. The Tahsildar,
Kilpennathur Taluk,
Thiruvannamalai District.
4. The Block Development Officer,
Panchayat Union Office,
Thurinchapuram,
Thiruvannamalai District.
5. The Village Administrative Officer,
Vedanthavaadi Group Village,
Kilpennathur Taluk,
Thiruvannamalai District.

6. Chandranathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the 3rd Respondent to consider the Petitioner's representation dated 28.09.2018 and further direct the 3rd to 5th Respondents to Field Inspect and remove the encroachments in the water way Canal in Survey Nos.474, 468/7, 468/4 in Kaatuvaanatham Village, Vedandhavadi Post, Kilpennathur Taluk, Thiruvannamalai District.

For Petitioner	:	Mr.S.Silambu Selvan
For Respondents 1 to 5	:	Mr.P.S.Sivashanmugasundaram, Special Government Pleader
For 6th Respondent	:	Mrs.N.Valliamma



O R D E R

(Order of the Court made by M.M.SUNDRESH, J.)

WEB COPY

The Petitioner has come forward with this Writ Petition inter alia alleging that the private Respondent has encroached upon the water channel.

2. From the communication made, it appears that the alleged encroachment has not been classified as 'water channel', and it is not under the control of the Public Works Department. Thus, it is for the 3rd Respondent to take appropriate action.

3. The communication would also reveal that the 4th Respondent had asked the 3rd Respondent to do the needful, on the premise that, there was no objection from the encroachers.

4. Learned counsel appearing for the private Respondent viz. the 6th Respondent submitted that, the 6th Respondent has put up a dwelling house and he is residing there for 40 years and that, he did not give any such consent for removal of encroachment, if any.

5. Considering the above, we call upon the 3rd Respondent/Tahsildar, Kilpennathur Taluk, Thiruvannamalai District, to conduct an enquiry, by issuing notice to the Petitioner and the 6th Respondent, and thereafter, take appropriate action in accordance with law. If the 3rd Respondent finds any encroachment said to have been made by the 6th Respondent, the needful will have to be done. Thereafter, action will have to be taken by the 3rd Respondent within a period of eight weeks from the date of receipt of a copy of this order. Needless it is to state that, till such time, no coercive steps shall be taken.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Thiruvannamalai District.



2. The Assistant Director (Panchayats)
Thiruvannamalai District.

3. The Tahsildar,
Kilpennathur Taluk,
Thiruvannamalai District.

4. The Block Development Officer,
Panchayat Union Office,
Thurinchapuram,
Thiruvannamalai District.

5. The Village Administrative Officer,
Vedanthavaadi Group Village,
Kilpennathur Taluk,
Thiruvannamalai District.

+1cc to Mr.S.Silambu selvan , Advocate SR.No. 99498

+2ccs to M/s.Anunitha, Advocate SR.No. 98822

W.P.No.30297 of 2018

A.SK(03/12/2019)