

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.30404 of 2018 and

W.M.P.No.35471 of 2018

C.Thiruvengadam

.. Petitioner

v.

1 The District Collector
Kancheepuram District

2 The Revenue Divisional Officer
Walajabad Taluk
Kancheepuram District

3 The Tahsildar
Walajabad Taluk
Kancheepuram District

4 The Block Development Officer
Walajabad Taluk
Kancheepuram District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents to maintain the classification of the land as "Kalvai"(water Channel) comprised in Survey No.231/5 situated at Devariambakkam Village, Wallajabad Taluk, Kancheepuram District and not to alter the nature of the said land based on the petitioner's representation dated 15.10.2018

For Petitioners : Mr.R.Murali

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate - for R1 to R3

Mr.K.S.Suresh
Govt. Advocate - for R4

O R D E R
(Order of the Court made by The Hon'ble Chief Justice
and M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents to maintain the classification of the land as "Kalvai"(water Channel) comprised in Survey No.231/5 situated at Devariambakkam Village, Wallajabad Taluk, Kancheepuram District and not to alter the nature of the said land based on the petitioner's representation dated 15.10.2018

2. It is the case of the petitioner that some third parties, along with some real estate agents, tried to encroach upon the water channel by closing the same and also attempted to lay a road in the water channel and the said illegal act was resisted by the petitioner and the farmers. Thereafter, respondent Nos. 3 and 4 conducted survey of the said water channel and also opted to close and lay the road on the same. The petitioner gave a representation dated 15.10.2018 to the respondent No.1 requesting to protect the said water channel from any encroachment and not to lay any road.

3. The respondent No.4 filed a counter affidavit wherein he has specifically denied the case of the petitioner. In paragraph 10 of the counter, the respondent No.4 has stated that the petitioner himself is an encroacher and using part of the existing pathway to transport water in lorries, thereby, preventing the access to the general public.

4. The learned counsel appearing for the petitioner fairly submitted that at present the respondents are not doing any work to close the water channel and lay the road.

5. In view of the submission made by the learned counsel appearing for the petitioner and also the averments stated in the counter affidavit of the respondent No.4, we do not find any merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The District Collector
Kancheepuram District
- 2 The Revenue Divisional Officer
Walajabad Taluk
Kancheepuram District
- 3 The Tahsildar
Walajabad Taluk
Kancheepuram District
- 4 The Block Development Officer
Walajabad Taluk
Kancheepuram District

+1cc to Mr.R.Murali, Advocate, S.R.No.9989
+1cc to the Government Pleader, S.R.No.9681

W.P. No.30404 of 2018 and
W.M.P.No.35471 of 2018

SAI (CO)
CS/04/03/2019



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