

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4780 of 2020

G.Deiveegan

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Petitioner

versus

1.The District Collector,
Kallakurichi,
Kallakurichi District.

2.The Block Development Officer,
Thirukovilur,
Kallakurichi District.

3.The Revnue Tahsildar,
Thirukovilur,
Kallakurichi District.

4.Poovathai Udayar

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey No.32/1, Ponniyenthal Village, Thirukovilur Taluk and restore the same as a water canal by considering the representation dated 25.01.2020.

For Petitioner

: Mr.S.Kumaresan

For Respondent Nos.1 to 3: Mr.E.Balamurugan

Special Government Pleader

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

By consent, the Writ Petition is taken up for disposal at the admission stage itself.

2. The petitioner has come up with the present Writ Petition for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachment made in Survey No.32/1, Ponniyenthal Village, Thirukovilur Taluk and restore the same as a water canal by considering his representation dated 25.01.2020.

3. The case of the petitioner is that he is cultivating lands comprised in Survey Nos.29/2, 30/2, 32/2, 24/20, 24/19, 24/16, 13/1A and other survey numbers having total extent of 5 acres of agricultural lands. While so, the fourth respondent, who is adjacent land owner, with an intention to stop water throwing from the lake of Ponniyenthal towards petitioner's land, the water canal comprised in Survey No.32/1 having 0.21 ares has been encroached and filled up with black stones and mud converted into bullock cart path. In this regard, the petitioner made a representation dated 25.01.2020 to the respondents 1 to 3. Since the respondents 1 to 3 have not taken any effective steps to remove the encroachment made by the fourth respondent, the petitioner is before this Court with the present Writ Petition for the relief stated supra.

4. The learned counsel appearing on behalf of the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the second respondent is the competent authority to consider the representation of the petitioner.

6. In view of the above submission made by the learned Special Government Pleader appearing for the respondents 1 to 3, this Court directs the petitioner to approach the second respondent by way of filing a copy of the representation dated 25.01.2020, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent, within a period of six weeks thereafter.

7. With the above observations and direction, the Writ Petition is disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS-I)

//True copy//

Sub Assistant Registrar

To

1.The District Collector,
Kallakurichi,
Kallakurichi District.

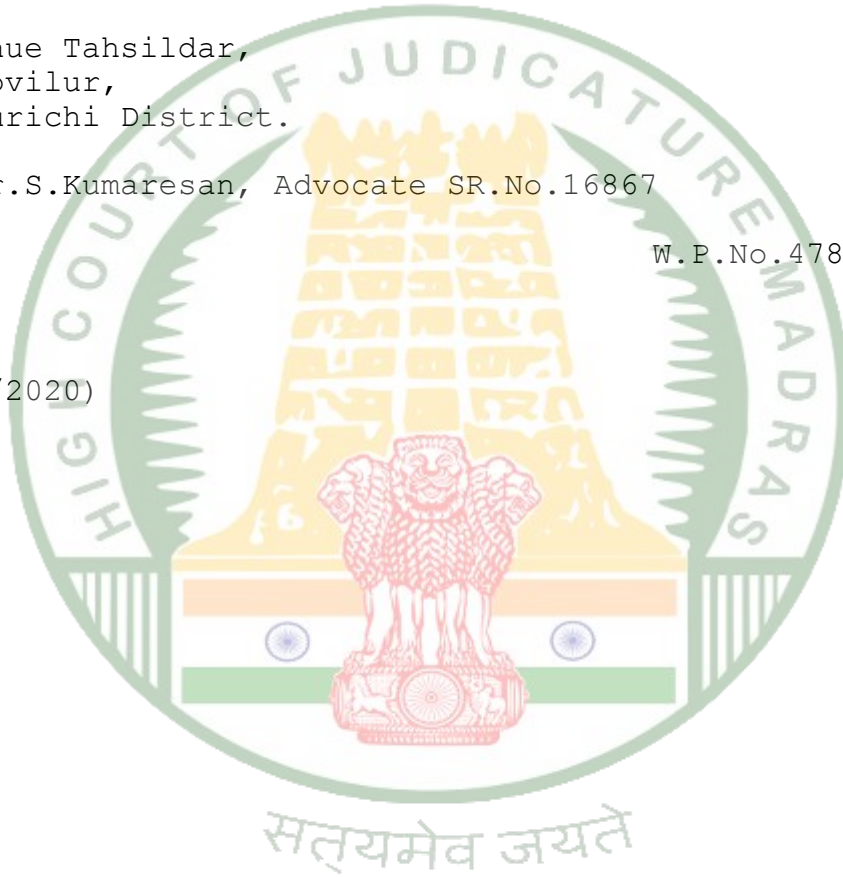
2.The Block Development Officer,
Thirukovilur,
Kallakurichi District.

3.The Revnue Tahsildar,
Thirukovilur,
Kallakurichi District.

+1cc to Mr.S.Kumaresan, Advocate SR.No.16867

W.P.No.4780 of 2020

VSN II (CO)
GMY (09/03/2020)



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