

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBBIAH
AND
THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P.No.8742 of 2020

G.Ramamurthy

..Petitioner

Versus

1. The District Collector
Kancheepuram District
District Collectorate Office
Kancheepuram, Tamil Nadu

2. The Revenue Divisional Officer
Kancheepuram District
RDO Office, Kancheepuram
Tamil Nadu 631 501

3. The Thasildhar
Kundrathur Taluk
Kancheepuram District

4. V.Anbarasu

..Respondents

Prayer : Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of mandamus directing the 3rd respondent to remove the encroachment and restore supply of water in the patta canal lying on the south west boundary of the petitioner's agricultural land situated in survey No.658, 81, Manimangalam Village, Kundrathur Taluk, Kancheepuram District.

For Petitioner : Mr.K.Prasanthan

For Respondents : Mr.V.Shanmuga Sundaram,
Spl.Govt.Pleader.
For R1 to R3.

O R D E R

[The Order of the Court was made by R.Subbiah, J.]

The present writ petition has been filed praying for Writ of Mandamus to direct the 3rd respondent to remove the encroachment and restore supply of water in the patta canal lying on the south west boundary of the petitioner's agricultural land situated in survey No.658, 81, Manimangalam Village, Kundrathur Taluk, Kancheepuram District.

2. The petitioner is eking out his livelihood from the above said agricultural lands. The water source for cultivation is from Manimangalam Lake, Shutter No.08 through PWD approved canal. According to the petitioner, the adjoining land in Survey No.661 is the western boundary of his land which belong to 4th respondent and he had recently encroached 100 feet long canal lying on the southwest boundary of petitioner's land by filling up sand and started doing agriculture in the encroached canal. Because of the encroachment of canal, the canal was put to disuse and the only water source for petitioner's land for doing agriculture has been cut and the irrigation facility has been deprived and therefore, the paddy cultivation in petitioner's land is severely affected. It is the further case of the petitioner that water source to his land is not only blocked but also deviated the water flow from the canal to his brother's land situated in survey No.661 and 660.

3. According to the petitioner, he has made several representations to the respondents, but action has not been taken till date. It is stated that last of such representation dated 20.02.2020 was sent to respondents 1 to 3 and despite receipt of such representation, no action has been initiated to restore water supply to the petitioner's agricultural land. Therefore, he has come forward with the present writ petition with the above said prayer.

4. The learned counsel for the petitioner submits that even though the writ petition has been filed seeking direction to the third respondent to remove the encroachment and restore supply of water in the patta canal lying southwest boundary of petitioner's agricultural land, it would be suffice to direct the third respondent to consider the representation of the petitioner dated 20.02.2020 and pass necessary orders.

5. The learned Government Pleader appearing for the respondents 1 to 3 submits that third respondent is the competent authority to pass necessary orders on the representation made by the petitioner. However, since the representation is dated 20.02.2020, the petitioner may be directed to make a fresh representation to the third respondent.

6. In view of the submission made by the learned counsel for the petitioner and the learned Government Pleader, appearing for respondents 1 to 3 and further taking into account the recent developments, this court is constrained to pass the following order:-

(1) The petitioner is directed to make a fresh representation, setting out his grievance, to the 3rd respondent along with a copy of this order, within two weeks from the date of receipt of a copy of this order.

(2) On receipt of the said representation, third respondent is directed to consider the same, issue notice to the 4th respondent and conduct personal enquiry and thereafter pass appropriate orders, within six weeks thereafter.

(3) We make it clear that we have not expressed any opinion on the merits of the matter. It is for the 3rd respondent to decide the matter in accordance with law and pass appropriate orders.

7. The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector
Kancheepuram District
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Kancheepuram, Tamil Nadu

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RDO Office, Kancheepuram
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3.The Thasildhar
Kundrathur Taluk
Kancheepuram District

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AD(CO)
KKV/18/08/2020



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