

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14573/2020 & WMP.No.18065/2020

M.Natarajan

..Petitioner

Versus

1. The District Collector
District Collector Office
Salem.
2. The Revenue Divisional Officer
District Collector Office
Salem.
3. The Tahsildar
Tahsildar Office
Salem South Taluk, Salem.
4. Block Development Officer
Block Development Office,
Veerapandi Union, Salem South Taluk,
Salem
5. Panchayat President
Kalparapatty Village
Veerapandi Union,
Salem South Taluk, Salem.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by respondents 4 and 5 on the Odai Poramboke/water course land, situated at S.Nos.36, 37, 70 and 71 to a total extent of one acre of Kalparapatty Village, Veerapandi Union, Salem South Taluk, Salem and also direct them not to lay Tar roads or to make any constructions like Community Hall, Public Toilets therein and to restore the subject water course land to their original shape, size, capacity etc., based on the petitioner's representation dated 25.06.2020.

For Petitioner : Mr.S.S.Karthikeyan for
M/s.Jury Brain Law Offices

For Respondents: Mr.P.S.Shanmugasundaram
Spl.Government Pleader

ORDER

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of respondents.
- (3)The petitioner claims to be a resident of Pudupalayam, Kalparapatty Village, Veerapandi Union, Salem South Taluk, Salem and according to him, he owns adjacent lands near the water way / water course in Kalparapatty Village in S.Nos.36, 37, 70 and 71 and it is reflected in the FMB. The grievance expressed by the petitioner is that the 5th respondent is filling up the water way with earth and thereafter, making attempts to lay a pucca road and the representation dated 25.06.2020 submitted in this regard, did not evoke proper response and hence, the petitioner is constrained to approach this Court by filing this writ petition.
- (4)The learned counsel for the petitioner has invited the attention of this Court to the Memo of the Assistant Director of Rural Development [Project], Salem dated 06.07.2020 in Na.Ka.No.2351/2020/A2, addressed to the 4th respondent and would submit that by the said Memo, the representation dated 01.07.2020 was forwarded to the 4th respondent for appropriate action and despite a lapse of nearly two months and odd, no action is being taken and the 5th respondent is hurriedly proceeding further to lay a pucca road upon the water way and in that event, the petitioner and other agriculturists who own lands adjacent to the said water way, may not be able to get water and the water runs through the said water way to the nearby water body and hence, prays for appropriate orders.
- (5)This Court heard the submissions of Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents.
- (6)Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 4th respondent to act on the communication of the Assistant Director, Rural Development [Project], Salem, dated 06.07.2020 in Na.Ka.No.2351/2020/A2 after causing necessary inspection and also by putting the concerned person/s on notice and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of

this order and communicate the decision taken, to the petitioner.

(7)The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

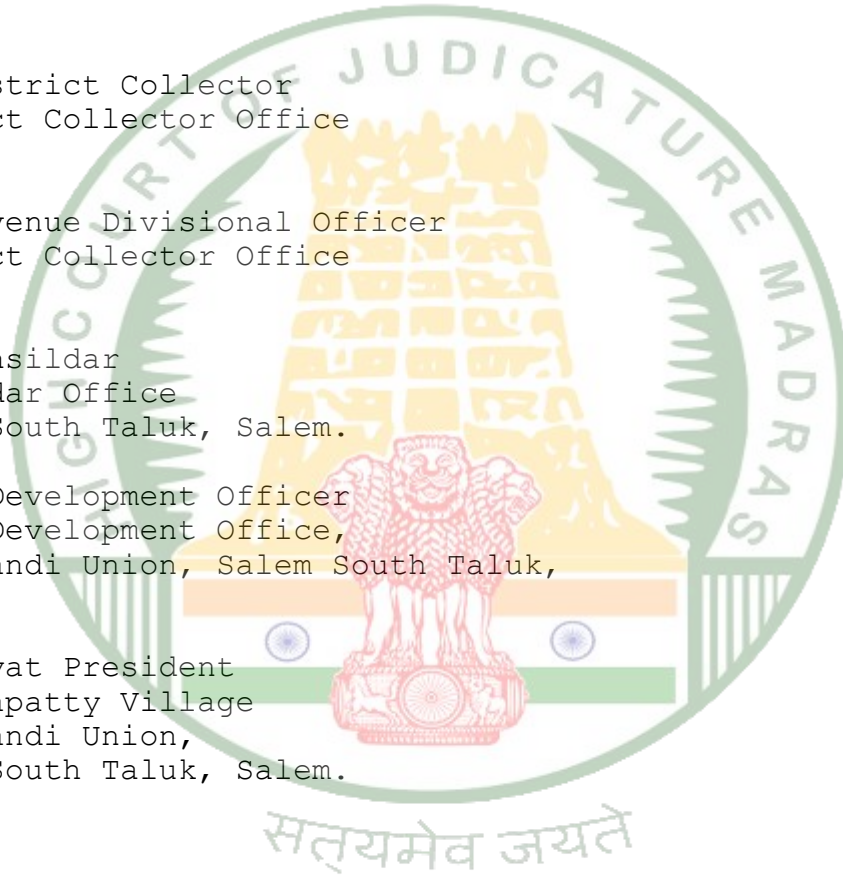
Assistant Registrar

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Sub Assistant Registrar

To

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PP (CO)
RV (04/11/2020)

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