

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.14647 of 2020
and WMP.No.18202 of 2020

Mr.K.Krishnan

.. Petitioner

Versus

1.The District Collector,
Salem District, Salem.

2.The District Revenue Officer,
Collector Office,
Salem District.

3.The Revenue Divisional Officer,
Attur Division, Salem District.

4.The Tahsildar,
Attur Taluk,
Salem District.

5.The Public Welfare Department (Water Body)
Attur Taluk, Salem District.

6.I.Sellaperumal

1/6

7.R.Alamelu

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the illegal encroachment of the respondents 6 and 7 from the lake and water canal in S.Nos.376/2, 377/1, 378/1 at Sarvoy Village, Attur Taluk, Salem District.

For Petitioner : Mr.C.Balasundar

For Respondents : Mr.Kamalesh Kannan
Government Advocate for R1 to R5

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner is a resident of Perumal Koil Street, Savoy Village and Post, Attur Taluk, Salem District and in the affidavit filed in support of this Writ Petition would aver among things that he is the owner of the land in S.No.261/4 and 5 situate at Sarvoy Village, Attur Taluk, Salem District and he is an agriculturalist by profession. It is the specific case of the petitioner that they had water channel in S.Nos.376/2, 377/1 378/1 of the said Village and the private respondents had caused encroachment on the said water way. The petitioner, on an earlier occasion, had approached the

jurisdictional PWD (Public Works Department) officials for taking appropriate action and the Junior Engineer, PWD/WRD, Irrigation Department, Thalavasal had sent a communication dated 14.09.2016 in Letter No.5/, பொ(சு) directing them to approach the Revenue Department as the said watercourse falls within their jurisdiction.

2. The petitioner in this regard, has also submitted a representation dated 10.09.2019 to the 1st respondent and inspite of receipt of the said representation, no action has been taken to remove the encroachments caused by the private respondents 6 and 7 and therefore, he is constrained to approach this Court by filing this Writ Petition.

3. Mr.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of the respondents 1 to 5 and on instructions would submit that the said watercourse falls within the jurisdiction of the Block Development Officer, Thalaivasal, Attur Taluk, Salem District and survey of the lands in S.Nos.376/2, 377/1 and 378/1 of Sarvoy Village can be carried out by the 4th respondent in accordance with law and depending

upon the result of the survey inspection, the Block Development Officer, Thalaivasal would take appropriate action.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. This Court taking into consideration the above facts and circumstances and rival submissions, directs the 4th respondent to cause inspection and survey the lands in S.Nos.376/2, 377/1, 378/1 of Sarvoy Village, Attur Taluk, Salem District with the help of the jurisdictional Suveyor, after putting on notice the concerned person and shall report the result to the Block Development Officer, Thalaivasal within a period of six weeks from the date of receipt of a copy of this order and the Block Development Officer, upon receipt of the report from the 4th respondent, shall follow the due process of law for removal of encroachments, if any, by also adhering to the principles of natural justice, after putting on notice the petitioner and the respondents 6 and 7 and complete the said exercise within a further period of six weeks thereafter and communicate the decision taken,

to the petitioner and respondents 6 and 7 and any other persons concerned for encroachments.

6. The Writ Petition is disposed of, accordingly. No costs. Consequently connected miscellaneous petition is closed.

[M.S.N.,J] [R.H., J]
13.10.2020

Internet: Yes / No

Index: Yes/No

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