

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2020

CORAM

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

WP.No15848/2020

B.Jayavel

.. Petitioner

Versus

- 1.The District Collector
O/o.The District Collector
Chengalpattu District.
- 2.The District Revenue Officer
Chengalpattu District.
- 3.The Revenue Divisional Officer
Madurantakkam Taluk
Chengalpattu District.
- 4.The Tahsildar
Cheyyur Taluk
Chengalpattu District.
- 5.The Block Development Officer
Chithambur Panchayat Union
Chithamur, Chengalpattu District.
- 6.Kannappan
- 7.Kandhavel
- 8.Vedhagiri

.. 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 5 herein to take action against the respondents 6 to 8 for the unlawful groove and laying pipe line illegally and subsequently, direct the respondents 1 to 5 herein to take action to close the groove and remove the pipe lines by considering the petitioner's representations dated 25.06.2020, 01.07.2020, 17.07.2020 and 28.08.2020.

For Petitioner : Mr.B.Pachaiyappan
for U.Gokulakrishnan

For RR 1 to 5 : Ms.R.J.Radhika, GA

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of respondents 1 to 5.
- (3) The petitioner claims to be a resident of Kumuli Village, Esur Post, Cheyyur Taluk, Chengalpattu District and came forward to file this writ petition, styled as a Public Interest Litigation, alleging that the private respondents had encroached upon the water spread area of Cithur Eri [water body] to an extent of 1 acre and doing cultivation and that apart, for the purpose of irrigating the land, started digging the earth right across the water body for the purpose of laying pipe line and the representation dated 25.06.2020 submitted by the petitioner, who also claims to be a practising advocate, failed to invoke any kind of response and hence, he came forward to file the present writ petition.
- (4) The Court heard the submissions of Ms.R.J.Radhika, learned Government Advocate appearing for respondents 1 to 5 and also perused the materials placed before it.
- (5) The petitioner, except the representations dated 25.06.2020, 01.07.2020, 17.07.2020 and 28.08.2020, did not produce any material as to the classification of the survey number as a "water body" and the alleged encroachment on the part of the private respondents and the illegal manner in which they are taking steps to dig a drench right across the water body for the purpose of irrigating the encroached land, in the absence of such tenable materials, this Court is not in a position to pass a positive order in his favour.
- (6) At this juncture, the learned counsel for the petitioner would submit that the petitioner may be granted liberty to file provisions of the Right to Information Act, to know about the fate of his representations by approaching the concerned Public Information Officer/s.
- (7) In the light of the reasons assigned above, especially, for want of material particulars, the writ petition cannot be entertained and therefore, it is dismissed. However, if the petitioner is so advised and if it is available to him under law, he is always at liberty to invoke the provisions of the Right to Information Act, to know about the stage/fate of is

representations dated 25.06.2020, 01.07.2020, 17.07.2020
and 28.08.2020 respectively. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
O/o.The District Collector
Chengalpattu District.
- 2.The District Revenue Officer
Chengalpattu District.
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Chengalpattu District.
- 4.The Tahsildar
Cheyyur Taluk
Chengalpattu District.
- 5.The Block Development Officer
Chithambur Panchayat Union
Chithamur, Chengalpattu District.

+1cc to Mr.U.Gokulakrishnan, Advocate SR.36473
+1cc to the Government Pleader SR.36489

WP.No.15848/2020

KJ(CO)
CB(15/12/2020)

सत्यमेव जयते

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