

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2020

CORAM

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

WP.No.16358 of 2020

A.Balakrishnan

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Petitioner

Versus

- 1.The District Collector,
Kallakurichi,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
Kallakurichi.
- 3.The Thasildar,
Kallakurichi.
- 4.The Station House Officer,
Vadaponparappi Police Station,
Kallakurichi District.
- 5.Muneeswaran
- 6.Kathirvelan
- 7.Sakthivel
- 8.Deivegan
- 9.Ezhumalai
- 10.Chinnadurai
- 11.Balaji
- 12.Vengatesh
- 13.Pazhani
- 14.Manikandan
- 15.Muneeswaran
- 16.Kuppusamy
- 17.Kuppan
- 18.Baskar

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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 restore the original shape of stram (odai) blocked by the respondents 5 to 18 in

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Puthirampattu - Mallapuram Villages Lake, Sankarapuram Taluk, Kallakurichi District, subsequently direct the 4th respondent to provide necessary police protection to execute a order passed by the 2nd respondent vide his proceeding in C.Pa. No. A2/203/2020 dated 02.09.2020, pursuant to the communication sent by the 3rd respondent vide his proceeding in Na.Ka.No. A5/3140/2020 dated 03.10.2020.

For Petitioner : Mr.M.Subash

For Respondents: Mr.M.Elumalai
Additional Government Pleader
for R1 to R4

ORDER

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

The petitioner claims to have owned ancestral agricultural lands in S.F.No.8/4, 27/9, 27/18, 27/19, 27/20, 27/21 as well as in S.F.Nos.87/3, 93/1, 93/2, 93/3, 93/4, 93/5, 93/9, 93/10, 93/11, and 93/14, Mamallapuram, Puthirampattu Revenue Village, respectively.

2. The learned counsel appearing for the petitioner, on instructions, would submit that he has not encroached upon any public land, Government land or land belonging to local body or water way or watercourse and the said submission, on instructions, is taken on record and would further submit that the private respondents for the purpose of putting up of a pathway, had encroached upon the waterway near the lands in S.F.Nos.87/3 and 93, Puthirampattu Village, Kallakurichi District and the said fact has been immediately brought to the knowledge of the concerned revenue officials and the police compliant in this regard has also been lodged a complaint vide CSR.No.270/2020, on the file of the Vadaponparappi Police Station, Villupuram District.

3. The learned counsel appearing for the petitioner would submit that the office of the 1st respondent had also sent a communication dated 19.08.2020 in O.Mu.Aa5/5312/2020 to the Sub Collector, Kallakurichi, for taking appropriate action and acting on the said communication, the Sub Collector of Kallakurichi has also directed the 3rd respondent, vide communication dated 02.09.2020 in C.Pa.No.A2/203/2020, to do the needful and the 3rd respondent in compliance of the directions issued by the superior officials had sought for police aid by

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addressing a communication dated 30.10.2020 to the Deputy Superintendent of Police, Thirukovilur in Na.Ka.A5/3140/2020 and despite lapse of nearly three months and odd, no action has been taken and taking advantage of the same, the private respondents continue to indulge in illegal action of obliterating the water way and prays for appropriate orders.

4. Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4 and would submit that the petitioner is also an encroacher upon the said waterway and would submit that the Tahsildar, Sankarapuram, would complete the exercise of removal of encroachment and restoration of waterway, in accordance with law as expeditiously as possible.

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

6. In the light of the communication of the Sub Collector, Kallakurichi, dated 02.09.2020 in C.Pa.No.A2/203/2020, the Revenue Tahsildar, Sankarapuram and the Block Development Officer, Sankarapuram, coordinating with each other, shall take immediate and necessary steps to find out as to the encroachment and obliteration of the waterway in S.F.No.27/9 as well as 124/7B4, Puthrampattu Village, Kallakurichi District, by adhering to the due process of law and also the principles of natural justice and complete the said exercise within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the private respondents and also to any other encroachers / persons concerned, if any.

7. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kallakurichi,
Kallakurichi District.

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2.The Revenue Divisional Officer,
Kallakurichi.

3.The Thasildar, Kallakurichi.

4.The Station House Officer,
Vadaponparappi Police Station,
Kallakurichi District.

Copy to:

1.The Revenue Tahsildar,
Sankarapuram, Kallakurichi District.

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

+1cc to Mr.N.Ranjith Kumar, Advocate SR.37609

+1cc to the Government Pleader SR.37743

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(CO)
CB(07/12/2020)



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