

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.12.2020

CORAM

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

WP.No.17425/2020 & WMP.No.21612/2020

M.Muthaiya Desigar

..Petitioner

Versus

1. The District Collector
Villupuram District,
Villupuram.
2. The District Revenue Officer
Villupuram.
3. The Superintendent of Police
Villupuram.
4. The Tahsildar
Villupuram.
5. The Inspector of Police
Valavanur Police Station
Valavanur, Villupuram District.
6. The Block Development Officer
Koliyanur Panchayat Union
Koliyanur, Villupuram District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to effectively prevent and remove encroachments in public pathway in S.No.502/B and in S.No.64- at C.Kuchipalayam Village, Villupuram Taluk and thereby take action against those who use the aove said public pathway for performing the last rites of dead persons and also effectively prevent the public in the village from using the public pathway for the performance of the above said last rites of the dead persons.

For Petitioner : Mr.N.Suresh
For RR 1 to 5 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 5.
- (3) The petitioner claims to be a public interest litigant and on an earlier occasion, filed WP.No.9644 of 2018 against the official respondents 1, 4, 6 herein as well as against the Block Development Officer, Kandamangalam, praying for issuance of a writ of mandamus directing the respondents to remove the encroachments in the irrigation channel from Pennaiyar River in Arasamangalam Village, Villupuram Taluk, passing through S.Nos.636, 637, 638, 739 and 640 in Arasamangalam Vilalge and in S.Nos.115 and 116 in C.Kallipattu Village and free the channel from encroachments and vide final orders dated 19.04.2018, the representation submitted in this regard was directed to be disposed of within the stipulated time frame. The petitioner, alleging willful disobedience and non-compliance of the order, filed Cont.P.No.2382/2018 and a Division Bench of this Court, has taken into consideration the representation made on behalf of the respondents/contemnors that there would not be any encroachment in respect of the water course from which the encroachment has already been removed, has closed the contempt petition.
- (4) The learned counsel for the petitioner has drawn the attention of this Court to the 'A' Registers of Arasamangalam Village and would submit that a portion of the land in S.No.623, which is classified as 'Pennai River' has been set apart for performing the final rites and despite that, dumping activities are being carried out in S.No.502/B which is classified as 'public pathway' and a representation was submitted by the petitioner on 28.09.2020 in this regard to the office of the District Collector, the 1st respondent herein, who in turn, vide Memo dated 03.10.2020 in O.Mu.No.Aa5/21427/2020 has directed the 4th respondent to do the needful and that apart, the office of the Assistant Director of Panchayat, Villupuram, has directed the Block Development Officer, Kandamangalam to do the needful and despite that, no action, whatsoever, has been taken and hence,

prays for appropriate orders.

(5) Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 5 would submit that in the light of the above said Memo of the office of the 1st respondent dated 03.10.2020, appropriate action will be taken in accordance with law, after putting on notice, the person/s concerned.

(6) This Court has considered the rival submissions and also perused the materials placed before it.

(7) Though the petitioner prays 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 respondents 4 and 6 to cause joint inspection of the lands in S.No.502/B, 623 and 640 of C.Kuchipalayam Village with the aid of the relevant revenue records after putting on notice, the person/s concerned and if the result of the inspection reveals any encroachments, as alleged by the petitioner, shall take immediate, necessary and appropriate action in accordance with law by also adhering to the principles of natural justice and take necessary action within a period of ten weeks from the date of receipt of a copy of this order / uploading the order in the website and communicate the decision taken, to the petitioner as well as the person/s concerned / alleged encroachers.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
Villupuram District, Villupuram.
2. The District Revenue Officer,
Villupuram.

3. The Superintendent of Police,
Villupuram.

4. The Tahsildar,
Villupuram.

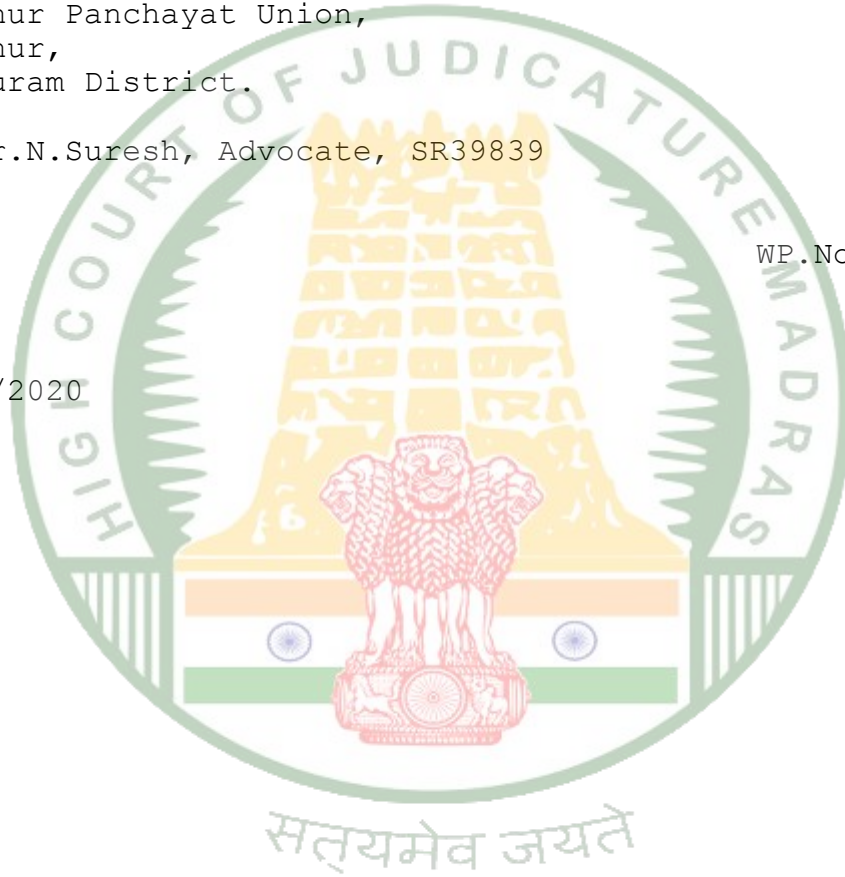
5. The Inspector of Police,
Valavanur Police Station,
Valavanur,
Villupuram District.

6. The Block Development Officer,
Koliyanur Panchayat Union,
Koliyanur,
Villupuram District.

+1CC TO Mr.N.Suresh, Advocate, SR39839

WP.No.17425/2020

CO (PM)
BDL/28/12/2020



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