

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.4439/2021 & WMP.No.5051/2021

Mr.Valli Kandan .. Petitioner

Versus

1.The Collector,
Office of the District Collector
Kallakurichi District.

2.The Sub Collector
Office of the Collectorate
Kallakurichi District.

3.The Tahsildar
Office of the Tahsildar
Chinna Salem,
Kallakurichi District.

4.Block Development Officer
Chinna Salem.

5.Mr.Kaliyappan

6.Mr.Rajendran .. 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 4 to consider the petitioner's representations dated 25.04.2018, 09.12.2019 and 02.12.2020 and pass orders on it and consequently remove the encroachments in water poromboke [odai] in survey NO.88 of Kalasamudhram village and S.No.211 of Kural Village made by the 5th and 6th respondents.

For Petitioner : Ms.Kanimozhi Mathi

For RR 1 to 3 : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr. S. Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 1 to 3.
- (3) The petitioner would state that there is a water stream/water way through which water flows through Kalasamudhram Village and Kural Village and ultimately reaches Thathathipuram Village and it is situated in S.No.88 of Kalasamudhram Village and S.No.211 of Kural Village.
- (4) The learned counsel for the petitioner would submit that the said stream is under encroachment and in this regard, a representation was given in the year 2018 for which an acknowledgment was also given on 25.04.2019 and it was also followed by yet another representation through the Legal Services Authority and since no action has been taken, a representation was also submitted to the Hon'ble Chief Minister Grievance Cell for taking appropriate action. Lastly, the petitioner has also submitted a representation on 02.12.2020 for taking immediate action as to the removal of the encroachments on the said water stream/water way and despite a lapse of 2 years and odd from the date of submission of his representation, no action whatsoever has been taken by the official respondents and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) Mr. S. Kamalesh Kannan, learned Government Advocate appearing for respondents 1 to 3, on instructions, would submit that the 3rd respondent has sent a communication dated 20.01.2021 in Na.Ka.No.A4/34/2021 to the office of the Government Pleader, High Court, Madras, with a copy marked to the 4th respondent, stating among other things that in the light of the earlier orders passed in WP.No.1034/2020, survey and inspection was caused and having found that there are four encroachments in S.No.88 and seven encroachments in S.No.211 of Kalasamudhram and Kural Villages, action has already been taken by issuing notices u/s.7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 and as such, the grievance of the petitioner has been addressed.
- (6) The said communication dated 20.01.2021 is taken on file and record.
- (7) This Court has carefully considered the rival submissions and also perused the materials placed before it.

(8) In the light of the fact that appropriate action has been initiated under the provisions of the Tamil Nadu Land Encroachment Act, 1905, the 3rd respondent as well as the jurisdictional officials are directed to proceed further, by also adhering to the principles of natural justice and complete the exercise of removal of encroachments within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner and respondents 5 and 6 as well as to the other encroacher/s / concerned person/s.

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

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Collector,
Office of the District Collector
Kallakurichi District.
2. The Sub Collector
Office of the Collectorate
Kallakurichi District.
3. The Tahsildar
Office of the Tahsildar
Chinna Salem, Kallakurichi District.

4. Block Development Officer,
Chinna Salem.

WEB COPY

WP.No.4439 of 2021
& WMP.No.5051/2021

JP II (CO)
CB(18/03/2021)