

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2021

CORAM

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

WP.No.2088/2021
[Video Conferencing]

M.Kishore

..Petitioner

Versus

1.The District Collector
Kachirapalayam Road,
Kallakurichi District 606 202.

2.The Sub Collector cum Revenue
Divisional Officer,
Kachirapalayam Road
Kallakurichi District 606 202.

3.The Tahsildar
Sankarapuram Taluk
Kallakurichi District 606 401.

4.The Executive Officer
Sankarapuram Town Panchayat
Villupuram District 606 401.

5.The Block Development Officer
Sankarapuram Town Panchayat,
Villupuram District 606 401.

6.Mohamed Yasin

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd to 5th respondents to remove the encroachment made by the 6th respondent and others, over the water canal flowing from Kattuvannanjur Village Lake to Manimuktha River, Sankarapuram Town Panchayat cum Taluk, Kallakurichi District, especially in S.No.248/9 by considering the petitioner's application dated 24.02.2020 within a stipulated time may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju

For RR 1 to 3,5&6: Mr.R.Vijayakumar
Additional Government Pleader

For R4 : Mr.V.Jayaprakash Narayan

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 the respondents 1 to 3, 5 & 6 and Mr.V.Jayaprakash Narayan, learned counsel accepts notice on behalf of the 4th respondent.

(3)The learned counsel for the petitioner, on instructions, would submit that the petitioner has not encroached upon any Government Land / land belonging to the Local Body / water way or course / water body and the said submissions on instruction, is placed on record.

(4)The learned counsel for the petitioner would submit that the petitioner is studying in D.Pharm 2nd year and by engaging the services of others, he is engaged in agricultural operations in the land in S.No.248/8A and 8B, Patta No.1098.

(5)The grievance expressed by the petitioner is that there exist a water body in Kattuvannanjur Village in S.No.68, having the spread of 28 acres and there is a canal which is taking water from suez and calingula and the said canal is passing through S.Nos.236, 237, 238, 235, 234, 225, 233, 228, 229, 231, 232, 248 and 249 and reaches Manimuktha river and S.No.248/9 is the part of the said water way.

(6)The learned counsel for the petitioner would submit that the 6th respondent, by causing encroachment, started putting up construction upon the water way/course in S.No.248/9 and in this regard, a representation dated 24.02.2020 was submitted through on-line and it is followed by other representations dated 09.03.2020 and 12.10.2020 respectively and despite receipt and acknowledgment, no action whatsoever, is taking place and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(7)Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents would submit that on inspection would be caused and depending upon the result of the inspection, further action would follow in accordance with law.

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

(9) 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 representations or in this writ petition, directs respondents 3 to 5 to cause inspection of the water way in S.No.248/9 Kattuvannanjur Village, after putting on notice, the petitioner and the 6th respondent and any other person/s concerned, if any and if the result of the inspection discloses any encroachment or unauthorised construction or combination of both, either of respondents 3, 4 and 5, vested with jurisdiction to follow due process of law, by also adhering to principles of natural justice and take appropriate action and complete the said exercise 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 as well as the 6th respondent and also to any other person/s concerned.

(10) The writ petition stands disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1. The District Collector
Kachirapalayam Road,
Kallakurichi District 606 202.

2. The Sub Collector cum Revenue
Divisional Officer,
Kachirapalayam Road
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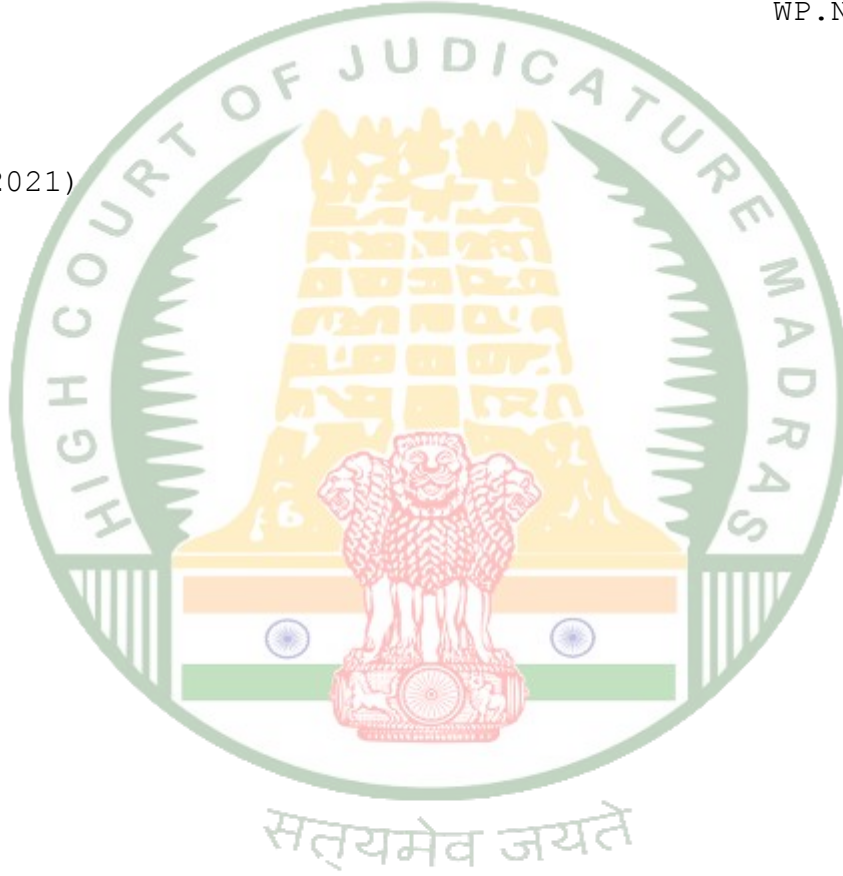
4.The Executive Officer
Sankarapuram Town Panchayat
Villupuram District 606 401.

5.The Block Development Officer
Sankarapuram Town Panchayat,
Villupuram District 606 401.

+1 CC to M/s.J. Agni Selvaraju, Advocate sr 5609.
+1 Cc to Mr.V.Jayaprakash, Advocate sr 6498.

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SMI (CO)
SP(25/03/2021)



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