

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7695 of 2021

and

WMP.No.8241 of 2021

M.Sumathi

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Secretary to Government
Fort St. George,
Chennai - 9.

2.The District Collector
Thiruvallur,
Thiruvallur District.

3.The Tahsildar
Thiruthani,
Thiruthani Taluk,
Thiruvallur District.

4.The Block Development Officer,
Thiruvalangadu,
Thiruthani Taluk,
Thiruvallur District.

5.Alliyammal

6.Dilli Babu

7.Kanchana

8.Dhatchina Moorthy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent herein to take necessary steps to remove all unlawful encroachment on water resource channels situate at East, South and North of Kalainger-puram as described above at Kalainger-puram Manavur Panchayat at Manavur Village, Thiruthani Taluk, Thiruvallur District within a time frame to be specified by this Court.

For Petitioner : Mr.M.Sumathi for Mr.K.Nagarajan

For Respondents: Mr.K.S.Suresh
Government Advocate for R1 to R4

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of encroachment on water resource channels situated at North, South and East of Kalainger-puram in Manavur Panchayat, Manavur Village, Thiruthani Taluk, Thiruvallur District.

2. It is asserted on behalf of the petitioner that the private respondents herein, including the fifth respondent, who was a former president of the panchayat has encroached upon these water channels and that in spite of submitting multiple representations, no action has been taken thereon.

3. Mr.K.S.Suresh, learned Government Advocate, accepts notice on behalf of respondents 1 to 4 and states that the representation would be considered and disposed of within the time line directed by this Court.

4. Accordingly, without examining the merits of the matter, the third and fourth respondents are directed to consider the representation dated 16.12.2020 and dispose of the same by a reasoned order after providing a reasonable opportunity to all parties affected thereby, including the respondents 5 to 8 herein. Such reasoned order shall be issued within a period of eight weeks from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been examined and because the third and fourth respondents have been directed to hear the respondents 5 to 8 before deciding the matter, the writ petition is being disposed of without notice to the respondents 5 to 8. In case the writ petitioner is aggrieved thereby, it will be open to the writ petitioner to institute appropriate legal proceedings, otherwise than by way of public interest litigation, after establishing his locus standi in this regard.

5. W.P.No.7642 of 2021 is disposed on the above terms. Consequently, connected WMP No.8241 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rrg

To:

- 1.The Secretary to Government
The State of Tamil Nadu
Fort St. George,
Chennai - 9.
- 2.The District Collector
Thiruvallur,
Thiruvallur District.
- 3.The Tahsildar
Thiruthani,
Thiruthani Taluk,
Thiruvallur District.
- 4.The Block Development Officer,
Thiruvalangadu,
Thiruthani Taluk,
Thiruvallur District.

+1cc to Mr.K.Nagarajan, Advocate Sr.20222
+1cc to the Government Pleader Sr.19928

W.P.No.7695 of 2021

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srg 15/04/2021