

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.03.2021

CORAM

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

WP.No.4664/2021

Kuppayee

.. Petitioner

Versus

1.The District Collector
Collectorate Buildings
Salem.

2.The Tahsildar
O/o.The Tahsildar
Sangakiri Taluk
Salem District.

3.Govindha

4.Vasanth

5.Mohan

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to consider the representation of the petitioner dated 11.01.2021 for removal of encroachment made by respondents 3 to 5 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Umapathi

For RR 1 & 2 : Mr.R.Vijayakumar
Additional Government Pleader

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.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 and 2.

(3)The petitioner is a resident of Kadanthanpalikaadu, Pulla Gounden Patti Ammani Village, Sankari Taluk, Salem District and according to him, in terms of the Partition Deed, he is

in possession and enjoyment of the agricultural lands in S.Nos.211, 204 and 196 of Pulla Gounden Patti Ammani Village and on the Western side of his property, there exist a Government Poramboke water way/canal comprised in S.No210/1 and it enables diversion of surplus water from Cauvery East Bund canal.

- (4) The learned counsel for the petitioner would submit that on the land classified as water way/canal in S.No.210/1 at Pulla Gounden Patti Ammani Village, private respondents had encroached upon the same and put up superstructures and in the light of the blockade of the said water way, during flood times, agricultural fields are getting flooded and crops are damaged. The petitioner, in this regard, has also submitted a representation dated 11.01.2021 to the 2nd respondent and despite receipt and acknowledgment, no response is forth coming and therefore, is constrained to approach this Court by filing this writ petition.
- (5) Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 and 2 would submit that inspection would be caused by the 2nd respondent with the aid of the revenue records and depending upon the result of the same, further action would follow.
- (6) This Court has carefully considered the rival submissions and also perused the materials placed before it.
- (7) This Court, taking into consideration 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 the 2nd respondent to cause inspection of the land in S.No.210/1 in Pulla Gounden Patti Ammani Village with the aid of the relevant revenue records, after putting on notice the petitioner and the private respondents and if the result of the inspection reveals that S.No.210/1 is a water way and the same is in encroachment, shall take immediate, necessary and appropriate action in accordance with law 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, private respondents as well as any other person/s concerned.
- (8) The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Collectorate Buildings

<https://hcservices.ecourts.gov.in/hcservices/>
Salem.

2.The Tahsildar
O/o.The Tahsildar
Sangakiri Taluk
Salem District.

+1cc to Mr.N.Umapathi, Advocate SR.No. 12362
+1 cc to Government Pleader Sr.No. 13179

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A.SK(23.03.2021)



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