

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7523 of 2021

A.Lenin

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary to Government,
Revenue Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Principal Secretary/
Commissioner of Land Administration,
Ezhilagam Buildings, Chepauk,
Chennai - 600 005.
3. The District Collector,
Salem District, Salem.
4. The Revenue Divisional Officer,
Office of the RDO,
Salem.
5. The Assistant Director,
Rural Development (Panchayat),
Collectorate,
Salem.
6. The Tahsildar
Taluk Office, Salem West,
Salem.
7. Block Development Officer (Village Panchayat)
Block Development Office,
Veerapandi Union,
Salem West, Salem.

8. The Chairman.

Murungapatti Panchayat,
Veerapandi Union,
Salem West, Salem.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 6th respondent to remove the illegal encroachment on water bodies of Odai/Stream situated in the Survey Nos.16/3, 17/1, 17/5, 20/1, 33 and 24 and cart track in Survey No.18/1 at Laguvampatty Village, Murugampatty Panchayat, Salem West and to restore the said Odai/Stream to its original state enabling the petitioner and the villagers to use the same as Odai/Stream, cart track those are meant for said purpose.

For Petitioner	:	Mr.R.Shenbaga Baabu
For Respondents	:	Mr.K.S.Suresh
		Government Advocate for R1 to R7

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner complains of alleged encroachments on specific survey numbers in Laguvampatty Village, Murugampatty Panchayat, Salem West.

2. According to the petitioner, the said lands are classified as Odai promboke in the revenue records. It is asserted by the writ petitioner that encroachments have been made on these lands and that the Public Works Department is in the process of laying a public road near the stream. If such public road is laid, it is asserted that the Odai cannot be restored as there would be no trail of its existence. The writ petitioner also asserts that representations were submitted to the Murugampatty Panchayat and that such representations were relayed to the other official respondents who have been arrayed as parties. In spite of the same, no action has been taken thereon.

3. Mr.K.S.Suresh, learned Government Advocate, accepts notice on behalf of respondents 1 to 7.

4. In the aforesaid facts and circumstances, without examining the merits of the representation dated 15.10.2020, respondents 6 & 7 are directed to consider the representation and dispose of the same by a speaking order after providing a reasonable opportunity to all parties affected thereby. The aforementioned speaking order shall be issued within a period of

six weeks from the date of receipt of a copy of this order. In case the writ petitioner is aggrieved thereby, it is 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.7523 of 2021 is disposed on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rrg

To:

1. The Principal Secretary to Government,
The Government of Tamil Nadu
Revenue Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Principal Secretary/
Commissioner of Land Administration,
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Murungapatti Panchayat,
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Salem West, Salem.

W.P.No.7523 of 2021

AJS (CO)
CSR 15.04.2021