

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2021

CORAM

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

WP.No.5994/2021

Muniappan .. Petitioner

Versus

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer
Sangagiri, Salem District.

3.The Tahsildar
Edappadi Taluk
Edappadi, Salem District.

4.Balu

5.Palanisamy

6.Venkatachalam

7.Kailasam

8.Velusamy

... 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 3 to remove the encroachment in Odai situate in S.Nos.57, 58, 63/1, 64/5, 263/5, 264/3, 280/6 Chittur Bit-2 Village, Edappadi Taluk, Salem District based on the petitioner representation dated 28.02.2020.

For Petitioner : Mr.S.P.Yuvaraj

For RR 1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader

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 respondents 1 to 3.

Puliyampatti, Chittur Bit-2 Village, Edappadi Taluk, Salem District, and he came forward to file the present writ petition stating among other things that his grandfather has been issued with patta in respect of certain extent of lands in S.Nos.64/1B, 1G, 3C and 4B as well as in S.No.263/3E, situate at Chittur Bit-2 Village, Edappadi Taluk, Salem District, and carrying on agricultural operations.

(4)The primordial grievance expressed by the petitioner is that the private respondents had encroached upon the Odai [water way] in S.Nos. 57, 58, 63/1, 64/5, 263/5, 264/3, 280/6 of the said Village, and despite very many representations submitted in this regard, the respondents did not care to initiate any kind of action and left with no other option only, the petitioner is constrained to approach this Court by filing this writ petition.

(5)The learned counsel for the petitioner has also drawn the attention of this Court to the 'A' Register pertains to Chittur Bit-2 Village and it prima facie disclose that the above cited survey numbers are classified as 'odai' [water way]. It is also fairly brought to the knowledge of this Court by the learned counsel for the petitioner that a detailed representation dated 28.02.2020 has also been submitted to the respondents 1 to 3 and however, no action is forth coming and hence, prays for appropriate orders.

(6)Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 3 would submit that the lands in the above said survey numbers which are classified as 'water way' [odai], belongs to the Local Body and the jurisdictional officer is the Block Development Officer, Edappadi and he is taking steps to remove the said encroachment and it would be completed within the stipulated time frame.

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

(8)Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by him either in his representation or in this writ petition, directs the Block Development Officer, Edappadi Taluk, Salem District, to follow the due process of law, by also adhering to the principles of natural justice and with the help and aid of the relevant revenue records, shall take immediate, necessary and appropriate action for removal of the alleged encroachment in the said water way [odai] as expeditiously as possible and not later than twelve 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 to the private respondents and any other person/s concerned, if any.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer
Sangagiri, Salem District.

3.The Tahsildar
Edappadi Taluk
Edappadi, Salem District.

4.The Block Development Officer,
Edappadi Taluk
Salem District.

+lcc to Mr.SP.Yuvaraj, Advocate, S.R.No. 15221

+lcc to the Government Pleader, S.R.No. 15820

PMK (CO)
GN (09/04/2021)

WP.No.5994/2021

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