

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 12.03.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.6406/2021

A.Mohammed Rabik

.. Petitioner

Versus

1.The District Collector
Perambalur District.

2.The Revenue Divisional Officer
Revenue Divisional Office,
Perambalur.

3.The Tahsildar
Veppanthattai Taluk
Perambalur District.

4.Mariyambevi

5.Russia Begum

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent to evict the encroachment made by the 4th and 5th respondents in the water course land in survey No.204/13 at Periyammappalayam Village, Venganoor Majira, Veppanthattai Taluk, Perambalur District based on the representation of the petitioner dated 04.02.2020.

For Petitioner : Mr.K.Murugesan

For RR 1 to 3 : Mr.S.Kamalesh Kannan
Government Advocate

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.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 1 to 3.

(3)The 3rd respondent, vide Memo dated 23.04.2018 in O.Mu.No.A2/2339/2018 has informed the petitioner that based on

his representation dated 22.03.2018, inspection was caused and as per the Report of the Revenue Inspector of Vengalam Part in A.Thi.Mu/184/2018 dated 17.04.2018, the land admeasuring to an extent of 0.15.5 ares in S.No.204/13 of Periyamapalayam Village, Vepanthattai Taluk, Permbalur District is classified as a water way and except the land admeasuring to an extent of 0.06.0 acres as water way, the rest of the land is in unauthorised occupation of the 4th respondent who is cultivating the land and since it is in the stage of harvest, further proceedings would follow after harvesting the crops.

- (4) The learned counsel for the petitioner would point out that despite the proceedings of the 3rd respondent dated 23.04.2018, even now nothing has been done to remove the encroachment caused by the 4th respondent on a part of the water way and also drawn the attention of this Court to the Memo of the 2nd respondent dated 10.02.2020 in O.Mu.A4/07182020 addressed to the office of the 3rd respondent to take appropriate action and despite a lapse of nearly one year and odd, no action has been taken and left with no other option only, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) Mr. S. Kamalesh Kannan, learned Government Advocate appearing for respondents 1 to 3 would submit that now action is underway to remove the encroachment caused by the 4th respondent.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) It prima facie appears from the above cited communications of respondents 3 and 2 dated 23.04.2018 and 10.02.2020 respectively that there is a lackadaisical attitude on the part of the 3rd respondent despite he came to the decision that the 4th respondent is in occupation of 0.09.5 ares of Periyamapalayam Village S.No.204/13 which is classified as a "odai" [water way]. सत्यमेव जयते
- (8) This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 3rd respondent to act on the Memo of his superior officer, viz., the 2nd respondent, dated 10.02.2020 in O.Mu.A4/0718/2020 and take action against respondents 4 and 5 who are said to have caused encroachment upon the said water way, in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of eight 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 respondents 4 and 5.

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

(10)Call on 08.06.2021 for filing compliance report by the 1st respondent.

Sd/-
Assistant Registrar (CS VII)

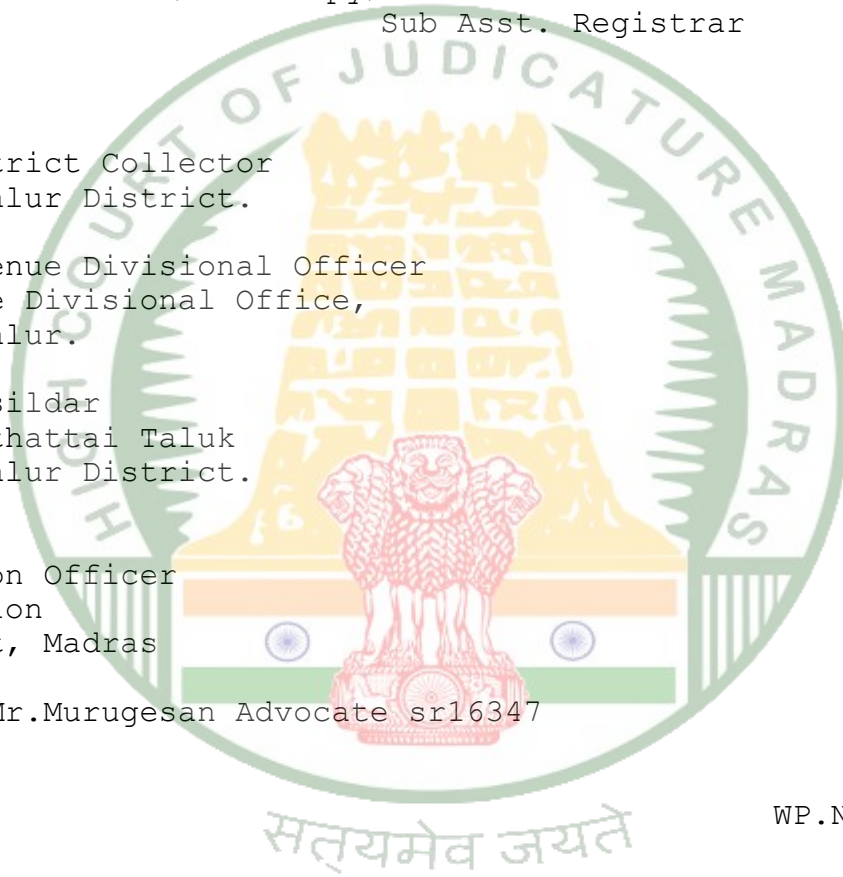
/true copy/
Sub Asst. Registrar

To

- 1.The District Collector
Perambalur District.
- 2.The Revenue Divisional Officer
Revenue Divisional Office,
Perambalur.
- 3.The Tahsildar
Veppanthattai Taluk
Perambalur District.

Copy to
The Section Officer
Writ Section
High Court, Madras

+1 cc to Mr.Murugesan Advocate sr16347



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