

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.7278/2021 & WMP.NO.7779/2021

C.Kolanchi

.. Petitioner

Versus

1.The District Collector
Kallakurichi,
Kallakurichi District-606 213.

2.The District Revenue Officer
Collector Officer, Kallakurichi District.

3.The Revenue Divisional Officer
O/o.Revenue Divisional Office,
Kallakurichi District 606 213.

4.The Tahsildar
Kallakurichi Taluk
Kallakurichi District 606 206.

5.The Block Development Officer
O/o.The Block Development Office,
Kallakurichi Taluk,
Kallakurichi District 606 206.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to remove the illegal encroachment from the Government Land [Stream] in Survey S.No.91/3 and 92/2 at Thimmalai Village, Kallakurichi Taluk, Kallakurichi District to enable the petitioner to prevent the petitioner agricultural land in Survey No.91/1 and 2 at Thimmalai Village, Kallakurichi Taluk, Kallakurichi District from the streams overflowed water by passing orders on the representations dated 07.01.2021.

For Petitioner : Mr.R.Balamurugan
For RR 1 to 4 : Mr.R.Vijayakumar
Additional Government Pleader
For R5 : 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.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4 and Mr.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of the 5th respondent.
- (3) The petitioner claims to be the owner of the lands comprised in S.No.91/1 and 91/2 situate at Thimmalai Village, Kallakurichi Taluk and District and is carrying on agricultural operations in the said land for over three decades. It is the further case of the petitioner that there exist a stream [water way] running West of his land and it is running North to South and it is situate in S.No.91/3 and 92/2 and on account of encroachment, the flow of water is affected.
- (4) The learned counsel for the petitioner would submit that during dry time, it is also used as a pathway and on account of the encroachment caused, not only the petitioner, but also the neighbouring land owners are also affected and this regard, representations dated 30.12.2020 and 07.01.2021 have been submitted to the respondents and despite receipt and acknowledgment, no response is forth coming and therefore, the petitioner is constrained to approach this Court.
- (5) The learned Additional Government Pleader appearing for respondents 1 to 5 would submit that even as per the 'A' Register, the land in S.Nos.91/3 and 92/2 of Thimmalai Village, is shown as 'Pattai' and the representations submitted by the petitioner would be considered and given a disposal in accordance with law.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) 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 the petitioner either in the representations or in this writ petition, directs the 4th respondent as well as the Block Development Officer, Thiyagadurgam, Kallakurichi District, to cause joint inspection of the land in S.Nos.91/3 and 92/2 of Thimmalai Village, with the aid of the revenue records and if the result of the inspection reveals any encroachment upon the public land / pathway, shall take immediate, necessary and appropriate steps in accordance with law, by also adhering to the principles of natural justice, by putting the encroachers on notice and complete the said exercise within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the person/s concerned/encroachers.

(8)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ap

To

- 1.The District Collector
Kallakurichi,
Kallakurichi District-606 213.
- 2.The District Revenue Officer
Collector Officer, Kallakurichi District.
- 3.The Revenue Divisional Officer
O/o.Revenue Divisional Office,
Kallakurichi District 606 213.
- 4.The Tahsildar
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Kallakurichi District 606 206.
- 5.The Block Development Officer
O/o.The Block Development Office,
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Kallakurichi District 606 206.

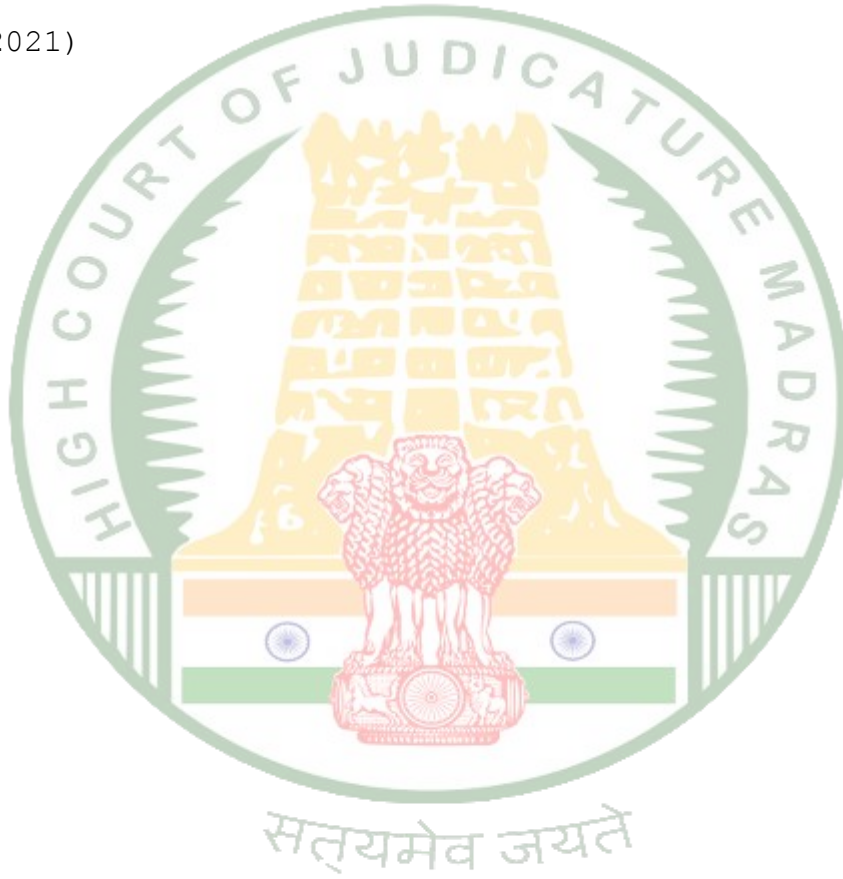
COPY TO:- The Block Development Officer,
Thiyagadurgam, Kallakurichi District.

+1cc to Mr.T.Velu, Advocate, S.R.No.18979

+1cc to the Government Pleader, S.R.No.18999

WP.No.7278/2021

GPL (CO)
KM(20/04/2021)



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