

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 19.03.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.7120/2021

M.Venkadachalam

.. Petitioner

Versus

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The District Revenue Officer
Kallakurichi District,
Kallakurichi.
- 3.The Revenue Divisional Officer
Kallakurichi District,
Kallakurichi.
- 4.The Block Development Officer
Kallakurichi District,
Kallakurichi.
- 5.The Tahsildar
Chinna Salem Taluk
Chinna Salem,
Kallakurichi District.

6.Ramasamy

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing respondents 1 to 5 to consider the representation dated 22.02.2021 for protecting the water channel [odai] runs in Survey No.4/4 of Mathavacherry Village, Katchirayapalayam, admeasuring 0.09.0 Hectares from the encroachment of the 6th respondent and restore its original nature of the water channel [odai].

For Petitioners : Mr.V.Vijayakumar

For RR 1 to 5 : 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 5.
- (3) The learned counsel for the petitioner, on instructions would submit that the petitioner is not an encroacher upon any public land/land belonging to the Local Body/water way or water channel and the said submission, on instructions, is placed on record.
- (4) The petitioner would claim that he is owning agricultural lands in S.No.63/1 at Mathavacherry Village, Kachirapalayam Taluk, Kallakurichi District and according to him, there exists a water channel in S.No.67/4/4 in Kachirapalayam and the ridge on the said channel is used by the petitioner and other farmers as a passage for reaching their agricultural lands. It is the case of the petitioner that the 6th respondent who owns agricultural lands adjoining the said water channel in S.Nos.1D/1 part, 3A/3 part, 3C/3 part, 5D/5 part, had encroached upon the said channel and in the process, also obstructing the passage/pathway and making attempts to convert the said ridge as a part of his agricultural holdings. The petitioner, in this regard, has also submitted a representation dated 22.02.2021 to respondents 1 and 2 as well as to other official respondents and despite receipt and acknowledgment, no action has been taken to address the grievance of the petitioner and therefore, 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 5 would submit that the representation 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 prays 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 respondents 4 and 5 to cause inspection of the lands in S.No.67/4/4 of Kachirapalayam Village, with the aid of the relevant revenue records and if the result of the inspection reveals that it is a water way and there are obstructions, either by the 6th respondent or by somebody else, shall take necessary action in accordance with law, by also adhering to the principles of natural justice 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, 6th respondent as well as any other person/s concerned.
(8)The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

AP

To

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The District Revenue Officer
Kallakurichi District,
Kallakurichi.
- 3.The Revenue Divisional Officer
Kallakurichi District,
Kallakurichi.
- 4.The Block Development Officer
Kallakurichi District,
Kallakurichi.
- 5.The Tahsildar
Chinna Salem Taluk
Chinna Salem,
Kallakurichi District.

+1CC TO MR.V.VIJAYKUMAR, ADVOCATE, SR.NO. 17684
+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 18428

WP.No.7120 of 2021

PCH (CO)
KKN 20.04.2021

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