

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10010 of 2021

B.Ravikumar

.. Petitioner

-vs-

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tashildar,
Cheyyar Taluk,
Thiruvannamalai District.

3.Sankar Kalayimani

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to remove the encroachment made by the third respondent in survey No.135, Soundariyapuram Panchayat, Anakavoor Union, Cheyyar Taluk, Thiruvannamalai District based on the petitioner's representation dated 11.02.2021.

For Petitioner : Mr.L.Rajendran

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for RR 1 and 2

ORDER

The petitioner complains of encroachment of S.No.135, Soundariyapuram Panchayat, Anakavoor Union, Cheyyar Taluk, Thiruvannamalai District, by the third respondent.

2. It is asserted by the petitioner that S.No.135 is a waterbody, which is a source for irrigation activities of the adjoining agricultural lands, and this waterbody has been encroached upon by the third respondent by laying a road for transporting stones. The writ petitioner, who is the President

of Soundariyapuram Panchayat, states that he submitted a representation to the District Collector on 11.02.2021 to remove the alleged encroachment by the third respondent, but no action has been taken thereon by either the first respondent or the second respondent.

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 and 2 and submits that the petitioner is entitled to initiate action under the Tamil Nadu Panchayats Act, 1994 in his capacity as President of the relevant Panchayat. In addition, he states that the Tahsildar may be directed to consider the representation and provide necessary assistance to the petitioner.

4. Accordingly, without examining the merits of the matter, the petitioner is permitted to carry a fresh representation to the second respondent herein. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to consider such representation and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt thereof, after providing a reasonable opportunity to all affected parties, including the third respondent herein.

5. On account of the fact that the merits of the matter have not been examined and considering the fact that the third respondent would be heard before orders are passed, the writ petition is being disposed of without notice to the third respondent. It is made clear that nothing in the order shall preclude the petitioner from exercising power as President of the relevant Panchayat under the applicable law as regards the subject matter of this petition.

W.P.No.10010 of 2021 is disposed of on the above terms without any order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra
To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tashildar,

Cheyvar Taluk,
Thiruvannamalai District.

+cc to M/S.K.Murali Advocate, Sr.No.24821

W.P.No.10010 of 2021

PL(CO)
baf 04/05/2021



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