

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

CORAM :

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

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.9626 of 2021

C.Venkatapathy

.. Petitioner

-vs-

1.The Secretary,
Rural Development and Panchayat
Raj Department, Fort St. George,
Chennai 600 009.

2.The District Collector,
Ranipettai District,
Ranipettai - 632 401.

3.Block Development Officer,
Panchayat Union Office,
Arcot, Ranipettai District.

4.Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Vellore.

5.Thasildar,
Arcot Taluk,
Ranipettai District 632 503.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 3 to 5 to remove the encroachments at survey no.660 in Sattur Village, No.85, Arcot Taluk, North Arcot District, within a stipulated period.

For Petitioner : Mr.T.Saravanan

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for RR 1, 2, 3 and 5

: Mr.M.Karthikeyan
Spl. G.P. For R-4

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the alleged encroachment of a waterbody in S.No.660 in Sattur Village, Arcot Taluk, North Arcot District.

2. It is stated by the petitioner that S.No.660 at Sattur Village is classified as a pond and as Government Poramboke in the re-settlement register of the Revenue Department. The said pond is said to serve the purpose of recharging the water table in the locality concerned. The writ petitioner asserts that the pond is adjacent to patta lands and, therefore, has been encroached upon by private persons. Upon submitting a representation to the fifth respondent, action was initiated by addressing a communication on 16.12.2020 to the fourth respondent, on the erroneous basis that the land belongs to the Hindu Religious and Charitable Endowments (HR & CE) Department, but the encroachments have not been removed till date.

3. The learned State Government Pleader accepts notice on behalf of respondents 1 to 3 and 5 and states that in view of the uncertainty as to whether the land belongs to the Government or the HR & CE Department, all the respondents may be directed to consider the petitioner's representation and respond to the same.

4. In the aforesaid facts and circumstances, without examining the merits of the matter, the petitioner is permitted to carry a fresh representation to all the respondents within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the said respondents are directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to all parties affected thereby, including the alleged encroachers. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of the representation.

W.P.No.9626 of 2021 is disposed of without any order as to costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sra

To

1.The Secretary,
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Chennai 600 009.

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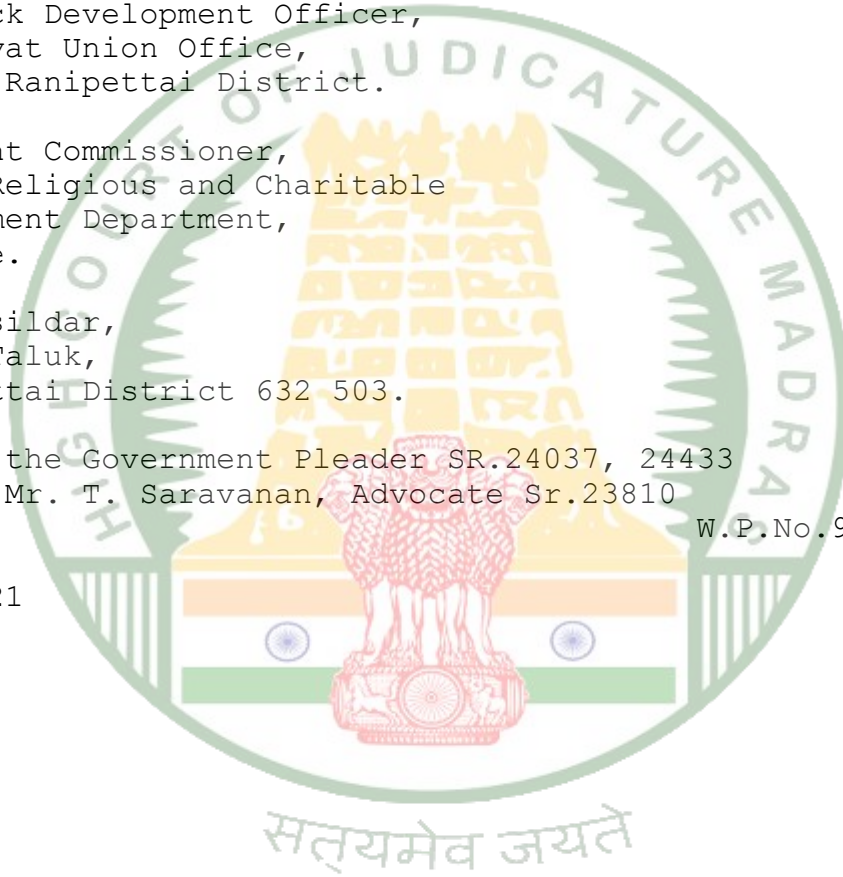
+ 1 cc to the Government Pleader SR.24037, 24433

+ 1 cc to Mr. T. Saravanan, Advocate Sr.23810

W.P.No.9626 of 2021

UM(CO)

EU 6/5/2021



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