



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.13233 of 2021

S.Shanmugasuntharam,
Son of Seenivasan,
No.66, Kothukarar Street,
Periyavalasu,
Erode - 638 004.

... Petitioner

Vs

1. The District Collector,
Erode, Erode District.
2. The Tahsildar,
Erode Taluk,
Erode District.
3. The Executive Officer,
Water Resources Department,
Bhavani Basin Circle,
Erode.
4. The Village Administrative Officer,
Periyasemur B Village,
Erode.

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to remove the encroachment made in the "Vaikal" in R.S.No.436, Periyasemur A Village, Erode Taluk & District by considering Petitioner's representation dated 25.02.2019.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mrs.R.Anitha
State Government Counsel



O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

WEB COPY

The Petitioner has come before this Court seeking Writ of Mandamus to remove the encroachment made in the water channel comprised in R.S.No.436, Periyasemur A Village, Erode Taluk by considering the Petitioner's representation dated 25.02.2019.

2. According to the Petitioner, he is the owner of the land comprised in R.S.No.435, Periyasemur A Village, Erode Taluk and District to an extent of 1.78 ½ Acres and there is a water channel comprised in R.S.No.436, Periyasemur A Village, Erode Taluk. However, it has been encroached by third parties, affecting free flow of water in the water channel. In view of that the water supply to the Petitioner's land is also affected. Therefore, the Petitioner gave a representation on 25.02.2019. Since it has not been considered, the Petitioner has come before this Court.

3. Heard Mr.M.Guruprasad, learned counsel appearing on behalf of the Petitioner and Mrs.R.Anitha, learned State Government Counsel appearing on behalf of the Respondents.

4. Considering the allegation that the water channel has been encroached upon by third parties, it is appropriate to direct the Respondents, especially, Respondents 2 & 3 to cause joint inspection of the subject property and find out as to whether any encroachment has been made in R.S.No.436, Periyasemur A Village, Erode Taluk, which is classified as water channel and if any encroachment is found, the encroachers shall be given notice for hearing and thereafter, appropriate orders shall be passed to remove the encroachment, within a period of sixteen weeks from the date of receipt of a copy of this order.

5. It is made clear that if any third parties made encroachment, they shall be given notice of hearing and thereafter only appropriate orders should be passed to remove the encroachment. If any orders passed without hearing the encroachers, it will amount violation of Court orders and the concerned parties are at liberty to move Contempt Petition before this Court, for violating orders passed by this Court.



6. With the above directions, the Writ Petition is Disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar(20/07/2021)

***Amended as per order of this Court
dated 28.10.2021 made in WMP.No.17198 of 2021
in WP.No.13233/2021**

Sd/-

Deputy Registrar(CS)01/11/2021

//True Copy//

Sub Assistant Registrar

sai

To

1. The District Collector,
Erode,
Erode District.
2. The Tahsildar,
Kodumudi Taluk,
Erode District.
3. The Executive Officer,
Water Resources Department,
Bhavani Basin Circle,
Erode.
4. The Village Administrative Officer,
Periyasemur A Village,
Erode.

**To be Substituted the order
Already despatched on
09.08.2021**

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.29779

+1cc to the Government Pleader, S.R.No.29382

W.P.No.13233 of 2021

RP(CO)
HS(30/07/2021)
MG(CO)
CB(02/11/2021)