



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.17002 of 2021

K.Sampath

.. Petitioner

Vs

1. The District Collector
Tiruvallur District.
2. The District Revenue Officer
Tiruvallur District.
3. The Tahsildar
Uthukottai, Tiruvallur District.
4. Madurai
5. Murugan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct respondents 1 to 3 to consider the petitioner's representation dated 17.6.2020 and consequently direct to remove the encroachment in lake channel in S.Nos.210, 215, 221, 222, 223, 234, 227 and 258, Akkarapakkam Village to enable the petitioner using the lake channel water.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.P.Muthukumar
Counsel for the State
for respondents 1 to 3



ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner complains of encroachment at the Akkarapakkam lake in Akkarapakkam village, Tiruvallur district. The lake apparently covers the area reflected by Survey Nos.305 and 308. According to the petitioner, the fourth and fifth private respondents have encroached the path of the flow of water at Survey Nos.222, 223, 224, 227 and 274.

2. Mr.P.Muthukumar, learned counsel appearing for the State, says that the Tahsildar, Uthukottai would be the appropriate official to deal with the matter.

3. Without going into the merits of the petitioner's allegations, the petitioner is permitted to carry a fresh, detailed representation to the third respondent Tahsildar within a fortnight from date. The third respondent Tahsildar will conduct an inquiry immediately upon receipt of such representation and will afford the petitioner and any others likely to be affected by his order a reasonable opportunity of being heard before passing a reasoned order within ten weeks of the date of the receipt of the representation. It is made clear that if the Tahsildar's order affects the private respondents herein in any manner, such private respondents must be given a previous opportunity of hearing before the order is passed.

4. W.P.No.17002 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
Tiruvallur District.
2. The District Revenue Officer
Tiruvallur District.
3. The Tahsildar
Uthukottai, Tiruvallur District.

+1cc to M/s.S.N.Subramani, Advocate SR.No. 41397 (01/09/2021)

W.P.No.17002 of 2021

VSN II(CO)

BVC (17.08.2021)