



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.17202 of 2021

The Melanikuzhi village Panchayat
rep. by its President, Durai. Muthukumarasamy
Melanikuzhi Village
Jayamkondam Taluk
Ariyalur District.

... Petitioner

Vs

1. The District Collector
Ariyalur District
Ariyalur.
2. The Tahsildar
Jayamkondam Taluk
Jayamkondam.
3. M.S. Kandasamy
4. Shanthi
5. Ganesh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the first and second respondents to remove the encroachments caused in water bodies namely, Periya Malateri, Siriya Malateri, Chetti Kulam and Eswaran Kulam situated at Melanikuzhi Village, Jayamkondam Taluk, Ariyalur District within a time frame.

For Petitioner : Mr.C.Munusamy

For Respondents : Mrs.R. Anitha, Government
Advocate for R1& R2.

O R D E R

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

The matter has been heard through "Video Conference".



2.The Petitioner is the Village Panchayat called 'the Melanikuzhi Village Panchayat' at Jayamkondam Taluk, Ariyalur District. According to the Petitioner, the Private Respondents have encroached upon the water bodies viz., Periya Malateri, Sิริya Malateri, Chetti Kulam and Eswaran Kulam and to remove the said encroachments, the Petitioner / Village Panchayat has passed a resolution dated 18.09.2020. Based on that, the Block Development Officer, Jayamkondam has sent a communication to the Petitioner on 29.01.2021 informing the Petitioner that he has written a letter to the Second Respondent / Tahsildar, Jayamkondam to inspect the said water bodies and find out as to whether any encroachment has been made and if it so, to remove the same. Even thereafter, since no action has been taken, the Petitioner has come before this Court.

3.Heard Mr.C.Munusamy, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned Government Advocate appearing for the Respondents 1 and 2. Notice to the Respondents 3 to 5 at this stage is not necessary and the same is dispensed with as this Court is inclined to direct the official Respondents to make inspection and to take action.

4.It is seen from the records that the Petitioner is a Village Panchayat and a resolution has been passed by the Petitioner to remove the encroachment made in water bodies viz., Periya Malateri, Sิริya Malateri, Chetti Kulam and Eswaran Kulam. It is seen that action has already been taken, however, no fruitful result has been obtained. Further, it is seen that the Block Development Officer, Jayamkondam has written a letter to the Second Respondent / Tahsildar, Jayamkondam to verify as to whether the said water bodies have been encroached and if it is so, to remove the same.

5.In view of the above, the Second Respondent is directed to make inspection of the said water bodies after giving opportunity to the Petitioner, Private Respondents and other persons who are interested and find out as to whether the said water bodies have been encroached upon and if it is so, directed to take appropriate action as per law within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



ay

To

WEB COPY

1. The District Collector
Ariyalur District
Ariyalur.

2. The Tahsildar
Jayamkondam Taluk
Jayamkondam.

+1cc to the Government Pleader, S.R.No.41342

W.P.No.17202 of 2021

PCH(CO)
CB(17/09/2021)