

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.19445 of 2021

Dinesh Kumar

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Office of the District Collector,
District Collector's Office Campus,
Salem - 636 001.

3.The Assistant Engineer,
PWD, WRD,
Mettur Canal Section,
Mettur,
Salem District - 636 401.

4.Gopal
5.Jayaprakash

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dated 14.07.2021 within a reasonable time frame as fixed by this Court.

For petitioner : Mr.K.S.Karthik Raja

For respondents : Mr.T.N.C.Kaushik
Govt. Advocate for R1 to R3
Mr.G.Arul Murugan for R4 & R5

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

The prayer in the writ petition is to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 14.07.2021.

2. The petitioner would claim that he own lands in S.Nos.122/2A1 and 129/2. An irrigation canal is running adjacent to his lands through S.Nos.124/1B, 122/2B, 129/1, 130/1B, 130/2B and 130/4B and joins the river Kaveri.

3. The petitioner would state that an attempt is being made to form roads and block the irrigation, which would affect the water source available to the petitioner. In this regard, he made a representation dated 14.07.2021 but no action is taken.

4. The learned counsel appearing for the respondents 4 and 5 by referring the counter would argue that the water channels have not been blocked by the private respondents and this writ petition has been filed with an ulterior motive. It is also stated that the petitioner himself is an encroacher and prevents the authorities to conduct Survey to find out the encroachment.

5. Mr.T.N.C.Kausik, learned Government Advocate would state that the 3rd respondent is the competent authority, who with the help of a Surveyor, is ready to cause survey and to remove the encroachment in the area.

6. Considering the submissions made by the learned Government Advocate, this Court without expressing any opinion on the merits of the matter, directs the 3rd respondent to cause inspection of the area with the help of a Surveyor and based on his report, the 3rd respondent shall remove all the encroachments.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Office of the District Collector,
District Collector's Office Campus,
Salem - 636 001.

3.The Assistant Engineer,
PWD, WRD,
Mettur Canal Section,
Mettur,
Salem District - 636 401.

+lcc to Mr.Arul Murugan, Advocate, S.R.No.51772
+lcc to the Government Pleader, S.R.No.52439

W.P.No.19445 of 2021

AD(CO)
CB(01/11/2021)