



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.20493 OF 2021

E.KrishnaKumar

... Petitioner

.Vs.

1. The District Collector,
Ranipet,
Ranipet District.
2. The Revenue Divisional Officer,
Arakkonam,
Ranipet District.
3. The Tahsildar,
Tahsildar Office,
Arakkonam,
Ranipet District.
4. The Public Works Department Office,
By its Executive Engineer,
Arakkonam,
Ranipet District.

5. Karunakaran

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action to restore the public roads in Easwaran Koil Street and Ocheri Street along with water canal to its original position by measuring the survey numbers in S.No.191/19 to 191/21 in Melpakkam Village as per the revenue records.

For the Petitioner : Mr.J.Amrita Sarayoo

For the Respondents : Mr.P.Muthukumar
State Government Pleader
For respondents 1 to 4



ORDER

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

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The petitioner, a resident of Melpakkam Village, Arakkonam in Ranipet District has instituted this petition in public interest complaining that a recent construction by the fifth respondent at the intersection of Easwaran Koil Street and Ocheri Street in the village has caused immeasurable misery to the villagers and the sewage therefrom contaminates the godown of a nearby ration shop.

2. According to the petitioner, the width of the street shrunk from 12 feet to 6 feet as a result of the illegal construction undertaken by the fifth respondent on revenue land. The other grievance is that the sewage from the toilets in the building seep into the ration shop's godown and a further sewage line from the building leads the sewage to a water canal.

3. The petitioner claims that even though the water canal may not carry water throughout the year, the canal turns into flowing water during and after the rainy season and the discharge of sewage therein would contaminate the water which is used for irrigation downstream.

4. Without going into the merits of the allegations levelled against the fifth respondent, the petitioner is permitted to carry a fresh, detailed representation to the third respondent Tahsildar, Arakkonam. It is made clear that nothing in this order should be construed to imply that the fifth respondent has encroached into any Government land and it will be for the Tahsildar to ascertain from the revenue records as to whether there is any encroachment.

5. Upon receipt of the written representation of the petitioner within a fortnight from date, the Tahsildar will conduct an inquiry and after model code of conduct ceases to be in operation on or about October 16, 2021 upon due notice to the fifth respondent. If any encroachment is discovered, the Tahsildar will take immediate appropriate action in accordance with law upon due intimation to the fifth respondent. As to the sewage from the relevant building, the Tahsildar should take independent steps to ensure that the sewage does not contaminate the grains stored at the nearby ration shop or is allowed to flow to seasonal canal for flowing water.

6. Since the Tahsildar has been required to issue previous notice to the fifth respondent, the petition is disposed of without requiring the fifth respondent to be served. However,



the petitioner will be obliged to immediately forward copies of the petition and this order to the fifth respondent.

7. Mr.Muthukumar, learned State Government Pleader, has taken notice on behalf of respondents 1 to 4.

8. W.P.No.20493 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Ranipet,
Ranipet District.
2. The Revenue Divisional Officer,
Arakkonam,
Ranipet District.
3. The Tahsildar,
Tahsildar Office,
Arakkonam,
Ranipet District.
4. The Executive Engineer,
Public Works Department Office,
Arakkonam,
Ranipet District.

+1cc to M/s.TVJ Associates, Advocate, S.R.No.49195

W.P.NO.20493 OF 2021

AJS (CO)
PBS/30/09/2021