



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.09.2021

CORAM:

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

W.P.No.19839 of 2021

K.Sekar

..Petitioner

Versus

1. The District Collector,
Erode District,
Erode 638 011.
2. The Revenue Divisional Officer,
Gobichettipalayam 638 352,
Erode District.
3. The Tahsildar,
Taluk Office,
Bhavani 638 301.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 21.08.2019 and to remove the encroachments in R.S.No.27 and 29 of Chettipalayam Vilage, Bhavaning Taluk pursuant to the order dated 21.05.2018 passed by the Appellate Committee constituted as per G.O.Ms.No.540-Revenue LD-6(2) Department and as confirmed by an order, dated 03.09.2018 by the Review Committee constituted as per G.O.Ms.No.540-Revenue LD-6 (2) Department within time frame fixed by this Court.

For petitioner : Mr.S.Kaithamalai Kumaran

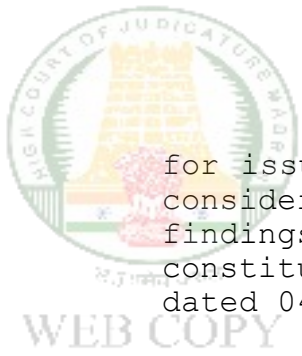
For respondents : Mrs.Akila Rajendran
Government Counsel

ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioner has come forward with this Writ Petition



for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner in terms of the findings of the Appellate Committee and the Review Committee constituted under G.O.Ms.No.540-Revenue (LD-6(2)) Department, dated 04.12.2014.

3. Mr.S.Kaithamalai Kumaran, learned counsel appearing for the petitioner would state that a check dam was constructed in R.S.No.27 of Chettipalayam Village and R.S.Nos.474 and 475 of Periyapuliyur Village across Odai, which runs in R.S.Nos.26, 27, 39, 38, 39, 40, 41 of Chettipalayam Village, however, in view of the encroachment made in the catchment area, the check dam could not be utilized to its full extent. Hence, representations were made to the official respondents to remove the encroachment made by the private parties. Though Appellate Committee found encroachment in the check dam and the same was confirmed by the Review Committee, but subsequently, no action has been taken to remove the encroachment.

4. Mrs.Akila Rajendran, learned Government Counsel appearing for the respondents would state that inspection was carried out by the Tahsildar on 11.08.2021 and he found some encroachment in the area. However, the encroachment could not be removed since the private parties have raised crops. It is also stated that after the harvest, the respondents would remove the encroachment forthwith.

5. In the light of the submissions of the learned Government Counsel appearing for the respondents and also taking note of the limited prayer sought for in the Writ Petition, this Court without going into the merits of the matter, directs the respondents 2 and 3 to remove the encroachment as per the survey conducted by the Tahsildar within a period of six months, after providing opportunity to the necessary parties, in accordance with law.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pvs



To

1. The District Collector,
Erode District,
Erode 638 011.

2. The Revenue Divisional Officer,
Gobichettipalayam 638 352,
Erode District.

3. The Tahsildar,
Taluk Office,
Bhavani 638 301.

+1cc to Mr.S.Kaithamalaikumaran, Advocate, S.R.No.47927

+1cc to the Government Pleader, S.R.No.48525

W.P. No.19839 of 2021

SSV(CO)
RGA(20/10/2021)