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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

WRIT PETITION NO.21634 OF 2021

V.N.Duraisamy

...Petitioner

Vs

1.The District Collector,
Erode District, Erode.

2.The Block Development Officer,
Panchayat Union, Modakkurichi,
Erode District.

3.The President,
60, Velampalayam Village Panchayat,
Velampalayam, Modakkurichi Taluk,
Erode District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take appropriate action for removal of the encroachment made in S.Nos.582/2, 582/4 and 578/3, Velampalayam, Modakkurichi Taluk, Erode District.

For Petitioner : Mr.C.Prakasam

For Respondents 1 & 2 : Mr.P.Muthukumar, GP

Order of the Court was made by T.S.SIVAGNANAM, J

We have heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.P.Muthukumar, learned Government Pleader accepting notice for respondents 1 and 2. In view of the limited nature of the relief, which we propose to grant in this writ petition, notice to the third respondent is dispensed with and the writ petition itself is taken up for final disposal.



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2. The petitioner, by way of this writ petition, styled as a public interest litigation, seeks a direction to the respondents to take action for removal of the encroachments in S.F.Nos.582/2, 582/4 and 578/3, Velampalayam, Modakkurichi Taluk, Erode District, which, according to the petitioner, is a water body. In this regard, a representation dated 17.8.2021 has been given to respondents 1 and 2 and it has been signed by the villagers enclosing a copy of the resolution passed by the panchayat to take action against the encroachers. The allegation made in the said representation is that certain third parties laid a pipeline and are attempting to draw water from the water body, which is a public tank under the control of the panchayat.

3. If the allegation is correct, then immediate action should be taken by the authorities.

4. The learned Government Pleader, on oral instructions from the second respondent, submits that action has been initiated and it will be ensured that no private party is permitted to draw water from the public tank by laying a pipeline or by any other means. This is recorded.

5. In the light of the above, we dispose of the writ petition by directing the second respondent to look into the grievance of the petitioner and conduct a spot inspection and if any third party has laid pipeline, it shall be immediately dismantled and it shall be ensured that no third party is permitted to draw water from the public tank. No costs.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

RS

To

1.The District Collector,
Erode District, Erode.



2.The Block Development Officer,
Panchayat Union,
Modakkurichi,
Erode District.

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+1CC to The Government Pleader, SR.No. 52324

WP.No.21634 of 2021

PM(CO)

B.VC (20/10/2021)