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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN  
AND  
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO. 27271 OF 2021

N.Elumalai

.. Petitioner

Versus

1. The District Collector  
Villupuram District  
Villupuram.
2. Block Development Officer  
Mailam Union Office  
Kooteripattu  
Tindivanam Taluk  
Villupuram District.
3. The Tahsildar  
Tindivanam Taluk  
Nehru Street  
Thindivanam  
Villupuram District.
4. Divisional Engineer  
Highway Department C(A)M  
Villupuram District.
5. Assistant Divisional Engineer  
Highway Department C(A)M  
Villupuram District.
6. S.Sivakumar
7. S.Jai Sankar @ Sankar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to remove the encroachment made by 6<sup>th</sup> and 7<sup>th</sup> respondents in Rettanai Salai within ½ km in Mandapattu Union in Survey No.418/3 by considering petitioner's representation dated 20.01.2021.



For Petitioner : Mr. S.Gowsik Sundar

For Respondents: Mr. V.P.R.Elamparithi (For R1 to R3)  
Additional Government Pleader

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O R D E R

(Order of the court was made by R. MAHADEVAN, J.)

The relief sought in this writ petition is to issue a writ of mandamus directing the first respondent to remove the encroachment made by the respondents 6 and 7 in S.No.418/3, Rettanai Salai, Mandagapattu Union, by considering the petitioner's representation dated 20.01.2021.

2.The case of the petitioner is that he owns a land in S.No.506/20 measuring to an extent of 2 acre and 46 cents; his brother is owning the adjacent land; the respondents 6 and 7 are the adjacent land owners of the petitioner's brother; and all the lands are situated near to the Rettanai to Tindivanam Highway. While so, the respondents 6 and 7 encroached a portion of the land measuring 18.5 acres belonging to the Highways Department in S.No.418/3 situated under the water body and erected two bore wells with illegal electricity connection, due to which the excess water flows into the petitioner's agricultural land as well as the adjacent lands. Hence, the petitioner made a representation dated 20.01.2021 to the respondents requesting to remove the encroachment made by the respondents 6 and 7. On receipt of the same, the first respondent directed the respondents 3 and 4 to take necessary action against those respondents, if there is any encroachment. The third respondent by communication dated 01.02.2021, directed the fourth respondent to ascertain the position and remove the encroachment. Pursuant to the same, the fourth respondent conducted survey and sent a communication, calling for report and connected documents from the third respondent, for taking further action. However, no report / documents were forth coming. Therefore, the petitioner has come up with this writ petition for the above stated relief.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader taking notice for the respondents 1 to 3 and also perused the documents enclosed in the typed set of papers.

4.Considering the nature of the claim made by the petitioner that there is an encroachment on the water body, which requires an immediate action, this court directs the third respondent to conduct enquiry, afford an opportunity of hearing to the petitioner, respondents 6 and 7 and all other interested



parties, consider the documentary evidence that may be furnished by them and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The District Collector  
Villupuram District  
Villupuram.
2. Block Development Officer  
Mailam Union Office  
Kooteripattu  
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Villupuram District.
5. Assistant Divisional Engineer  
Highway Department C(A)M  
Villupuram District.

+1cc to Mr. S.Gowsik Sundar, Advocate, S.R.No.69189  
+1cc to the Government Pleader, S.R.No.69544

W.P. No. 27271 of 2021

AJS (CO)  
PM/12/01/2022