



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 25950 of 2021

R. Ranganathan

.. Petitioner

Versus

- 1.The District Collector
Salem District, Salem.
- 2.The Executive Engineer
Public Works Department
Water Resource Organisation
Mettur Zone, Salem
- 3.The District Revenue Officer
Salem District, Salem
- 4.The Revenue Divisional Officer
Mettur, Salem District
- 5.The Tahsildar, Kadayampatti Taluk
Salem District
- 6.Manickam
- 7.Mariyannan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2, 4 and 5 to remove the encroachment in the irrigation water channel flowing between Thottappan Lake sluice gate to Gundakkal Lake, via Survey Nos. 47, 89, 39, 38, 94, 95 & 132 of No.1 Gundakkal Revenue Village, Kadayampatti Taluk, Salem District in pursuant to the original petition given by the petitioner on 07.04.2021 as per G.O.Ms.No.540 Revenue (LD6 (2)) Department, Government of Tamilnadu, dated 04.12.2014.

For Petitioner : Mr. R. Selvakumar

For Respondents : Mr. R.Siddharth

<https://hcservices.ecourts.gov.in/hcservices/>

Government Advocate (Taxes) for R1-R5



ORDER

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

The petitioner has filed this writ petition for issuance of Writ of Mandamus to direct the respondents 2, 4 and 5 to remove the encroachment in the irrigation water channel flowing between Thottappan Lake sluice gate to Gundakkal Lake, via Survey Nos. 47, 89, 39, 38, 94, 95 & 132 of No.1 Gundakkal Revenue Village, Kadayampatti Taluk, Salem District.

2. It is the case of the petitioner that he owns agricultural lands measuring to an extent of 2.32 cents (94 ares) in Survey No.138/3-B of Gundakkal Revenue Village. For the purpose of irrigation, he depends solely on the only available water source viz., a channel linking Thottiappan lake from upwards to Gundakkal lake (downwards) passing through various lands comprised in Survey Nos. 47, 89, 39, 38, 94, 95 & 132. While so, the owners of the lands adjoining the irrigation channel, numbering 132, had effaced the water channel enclosing the same as part of their lands virtually desecrating the only available irrigation source, thereby depriving the water flow into the lands of the petitioner in S.No.138/3B; and the respondents 6 and 7 are the two of 132 encroachers. The petitioner further stated that pursuant to the direction issued by this court in WP.No.26722 of 2013, G.O.Ms.No.540 Revenue [LD6(2)] Department, dated 04.12.2014, came to be issued outlining the modalities to be followed in case of complaint of encroachment. According to the said G.O., the petitioner filed a petition before the fifth respondent on 07.04.2021, which was not considered. Subsequently, he preferred an appeal to the fourth respondent on 11.06.2021, which was also not considered. He went on review petition to the third respondent on 12.07.2021, which was again put in cold storage and no action was forth coming from any of the respondent authorities. Therefore, this writ petition.

3. The learned counsel for the petitioner submitted that pointing out the encroachment made in the water channel flowing between Thottappan lake to Gundakkal lake, the petitioner has submitted various representations / petitions to the respondent authorities, based on the G.O.Ms.No.540 dated 04.12.2014. However, none of the representations yielded any fruitful action. Hence, the learned counsel prayed that appropriate direction may be issued to the respondent authorities by considering the petitioner's petition.

4. On the other hand, the learned Government Advocate (Taxes) appearing for the respondents 1 to 5 opposed the submissions made on the side of the petitioner and submitted that it is not as if the representations of the petitioner were not considered by the official respondents. Placing reliance on the communication sent by the fifth respondent in Na.Ka.No.2340/2021/A3 dated 08.12.2021 to him, the learned Government Advocate submitted that the fifth respondent has already taken necessary steps with regard to removal of the encroachment in the water channel of Gundakkal village.



5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the respondent authorities to conduct an enquiry, afford an opportunity of hearing to the petitioner, respondents 6 and 7 as well as any other interested parties, consider the documentary evidence that may be submitted 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.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

- 1.The District Collector,
Salem District, Salem.
- 2.The Executive Engineer,
Public Works Department,
Water Resource Organisation,
Mettur Zone, Salem.
- 3.The District Revenue Officer,
Salem District, Salem.
- 4.The Revenue Divisional Officer,
Mettur, Salem District.
- 5.The Tahsildar, Kadayampatti Taluk,
Salem District.

+1cc to Mr.R.Selvakumar, Advocate SR. No.64705
+1cc to Government Pleader SR. No.65331

W.P. No. 25950 of 2021

SSI (CO)
PR (24/01/2022)