



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.12.2021

CORAM

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

W.P.No.25971 of 2021

Edward Sagayaraj

... Petitioner

-vs-

1.The District Collector
District Collectorate Office
Katchirayapalayam Road
Kallakurichi District.

2.The District Revenue Officer
Katchirapalayam Road
Kallakurichi District.

3.The Sub-Collector Office
Katchirapalayam Road
Kallakurichi District.

4.The Tahsildar
Sankarapuram Taluk
Sankarapuram
Kallakurichi District.

5.The Executive Engineer
Water Resources Department
Vellaru Basin Division
Katchirayapalayam Road
Kallakurichi District.

6.The Assistant Executive Engineer
Water Resources Department
Vellaru Basin Division
Devapandalam Village
Sankarapuram Taluk
Kallakurichi District.

7.Lurdhuswamy
8.Swaminathan
9.Kolandaiswamy

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the petitioner's representation dated 28.07.2021 for removing the encroachment made in the water channel comprised in Survey Nos.132/1 & 134 of Tholuvanthangal Village, Sankarapuram Taluk, Kallakurichi District by respondents 7 to 9 within the time to be stipulated by this Court and give direction as not to convert the said water channel into road or pathway.

For petitioner : Mr.R.Bharath Kumar
For respondent : Mr.R.Siddharth, GA
for RR1 to 6

ORDER

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

The prayer in this writ petition is to issue a writ of mandamus, seeking direction to the respondents 1 to 6 to consider the representation of the petitioner dated 28.07.2021.

2.It is the case of the petitioner that his father owns agricultural lands in Survey Nos.124/2A, 124/2B, 124/1B1 and 124/1B5 of Pakkam Village, Sankarapuram Taluk and his mother is the owner of the land comprised in Survey No.134/2B1 of Tholuvanthangal Village. According to the petitioner, the water channel is running in Survey Nos.132/1 and 134/1 of Tholuvanthangal Village, is classified as "Vellavari Channel" as per the revenue records maintained by the Public Works Department. The petitioner would allege that the private respondents, who have adjacent lands near the Vellavari Channel, are attempting to encroach upon the water channel by filling up with sand and other materials. Hence, he made a representation dated 28.07.2021 before the official respondents and they did not acted upon the representation so far.

3.It is the submission of the learned counsel for the petitioner that it would suffice, if a direction is issued to the respondents 4 and 5 to take appropriate action on the representation of the petitioner.

4.Mr.R.Siddharth, learned Government Advocate, on instructions would state that the representation of the petitioner is pending and after conducting a survey the respondents are ready to take action in accordance with law. It is further submitted that so far the 4th respondent has not conducted any survey to ascertain the allegations made by the



petitioner.

5. In the light of the facts and circumstances of this case, we hereby direct the respondents 4 and 5 to conduct a joint survey in the presence of the necessary parties and based on the report of the surveyor, the respondents 4 and 5 shall take further action, in accordance with law, after affording ample opportunity to all the necessary parties, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Jer

To

1. The District Collector
District Collectorate Office
Katchirayapalayam Road, Kallakurichi District.

2. The District Revenue Officer
Katchirapalayam Road
Kallakurichi District.

3. The Sub-Collector Office
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4. The Tahsildar
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Sankarapuram
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5. The Executive Engineer
Water Resources Department
Vellaru Basin Division
Katchirayapalayam Road
Kallakurichi District.



6.The Assistant Executive Engineer
Water Resources Department
Vellaru Basin Division
Devapandalam Village
Sankarapuram Taluk
Kallakurichi District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.65080
+1cc to the Government Pleader, S.R.No.64872

W.P.No.25971 of 2021

PL(CO)
CB(01/02/2022)