



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

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

Writ Petition No. 27018 of 2021
and
W.M.P. No.28461 of 2021

G. Dhanasekeran

.. Petitioner

Versus

1. The District Collector
District Collector Office Campus
Chengalpattu District
2. The Divisional Revenue Officer
Chengalpattu District
3. The Assistant Engineer
Public Works Department
(Water Resources) Buckingham Canal Section
Mamallapuram
Thirukalukundram Taluk
Chengalpattu District
4. Revenue Inspector
OMR Road
Paiyanoor Village
5. The Tahsildar
Taluk Office Campus
Thiruporur Taluk, Chengalpattu District
6. Joint Director of Agriculture
15, Dr. Varadharajan Street
Vedachalam Nagar
Chengalpattu - 603001.
7. R. Venkadesan
8. R. Ramadoss

.. Respondents



Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 6 to remove the illegal encroachment of the respondents 7 and 8 on water body channel in Survey No.33/16 and public pathway cum cart track in Survey Number 28/1 leading to the petitioner's land.

For Petitioner : Ms. Kanimozhimathi
For Respondents : Mr. Alagu Goutham
Government Advocate for R1-R6

ORDER

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

The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the respondents 1 to 6 to remove the illegal encroachment made by the respondents 7 and 8 on water body channel in Survey No.33/16 and public pathway-cum-cart track in Survey Number 28/1 leading to the petitioner's land.

2. According to the petitioner, he is the owner of the properties comprised in S. Nos. 33/7, 33/8, 33/9, 33/12, 33/14 and 33/15 to a total extent of 1 acre and 23 cents in patta no.2825. His adjacent land owners viz., the respondents 7 and 8, are having land near to the irrigation channel and cart tract (public path way). Taking advantage of the same, they encroached the irrigation channel which starts from payanur lake and runs through various agricultural lands. Besides that, they also encroached the cart track (public road) situated in S.No. 28/1 having 70 feet length and 15 feet breadth, boundaries in S.Nos.27/2, 27/17 and reaching to the petitioner's land in S.No.33/7, by erecting a hallow block unit. Due to the said encroachment made by the respondents 7 and 8, the petitioner and other villagers have been adversely affected. The petitioner further states that without obtaining necessary permission from the sixth respondent, the respondents 7 and 8 established a hallow block manufacturing unit by encroaching the Government land, and started commercial activities in the fertile agricultural land. Owing to the deplorable encroachment made by the respondents 7 and 8, the petitioner made several representations on 04.05.2021, 07.06.2021, 11.06.2021, 16.06.2021, 26.06.2021 and 02.07.2021 to the respondents and the same are kept pending without any consideration. Therefore, this writ petition.



3. The learned counsel for the petitioner submitted that inspite of repeated representations made, the official respondents have not taken action to remove the encroachments made by the respondents 7 and 8. He therefore prayed this court to direct the respondents 1 to 6 to remove the illegal encroachment made by the respondents 7 and 8 on water body channel in Survey No. 33/16 and public pathway-cum -cart track in survey number 28/1 of Payanur village by considering the representations made by the petitioner.

4. On the other hand, Mr. Alagu Goutham, learned Government Advocate taking notice for the official respondents submitted that the respondent authorities are in general, taking stringent actions against such illegal encroachments. Similarly, the representations of the petitioner will be taken into consideration by the official respondents and appropriate action will also be taken thereof.

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 merits of the case, directs the fifth respondent to conduct an enquiry, afford opportunity of hearing to the petitioner as well as the respondents 7 and 8, examine the documentary evidence, if any, submitted by them and thereafter, pass appropriate orders, with regard to removal of the encroachments said to have been made by the respondents 7 and 8, on merits and in accordance with law, within a period of eight 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

dhk

To

1. The District Collector
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Chengalpattu District.



2. The Divisional Revenue Officer
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15, Dr. Varadharajan Street
Vedachalam Nagar
Chengalpattu - 603001.

+1cc to Ms. Kanimozhimathi, Advocate, S.R.No.68538
+1 cc to the Government Pleader, Sr.No.69048

W.P.No. 27018 of 2021

SPD[co]
NSK 21/01/2022