



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

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

W.P.NO.1146 OF 2022
AND
W.M.P.NO.1213 OF 2022

Chelladurai

.. Petitioner

Versus

1. The Commissioner
Jeyankondam Municipality
Jeyankondam
Ariyalur District
2. The Tahsildar
Jeyankondaam Taluk
Ariyalur District
3. The Assistant Engineer (O&M)
TANGEDCO
Jeyankondam
Ariyalur District
4. Sekar
5. Valarmathi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent 1 to 3 to taken necessary steps to remove the encroachment made by the 4th respondent and 5th respondents herein in Survey No.357/15 which is a small canal through which the excess water from a pond namely 'Mundaa' pond in Keezhakudiyiruppu village flows and thereby enable the petitioner to do agricultural activities on his land in Survey No.357/13.



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For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.L.P.Maurya for R1
Alagu Goutham for R2
Government Advocate

ORDER

(Order was made by R.MAHADEVAN. J,)

Mr.L.P.Maurya, learned counsel takes notice for the first respondent and Mr.M.Alagu Goutham, learned Government Advocate takes notice for the second respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. According to the petitioner, he owns agricultural lands measuring to an extent of 0.028.0 Ares in Survey No. 357/13 at Keezhakudiyiruppu village, Udaiyaarpaalayam Taluk, Ariyalur District and is carrying on agricultural activities. The petitioner further stated that near to his lands, a small canal is situated through which excess water from a pond namely 'Mundaa pond' in Keezhakudiyiruppu village in S.No.357/15 flows. While so, the respondents 4 and 5, who are also residing in the same village, had encroached upon the said canal by constructing a house illegally, due to which, the excess water from the pond flows into the petitioner's land, thereby causing damage to his growing crops. As a result of the same, he is unable to ingress and egress with the essentials required for growing his crops in his land. Stating so, the petitioner made a representation on 04.10.2021 to the respondents requesting to take necessary steps to remove the encroachments made by the respondents 4 and 5. However, till date, no action has been taken on the said representation. Therefore, the petitioner has preferred this writ petition seeking a direction to the respondents to take necessary steps to remove the encroachments made by the respondents 4 and 5 in S.No.357/15, so as to enable him to do agricultural activities in his land.

3. Heard the learned counsel for the petitioner, who submitted that the respondents 4 and 5 encroached the canal by constructing a house and caused damage to the petitioner's land. In this connection, the petitioner by way of representation dated 04.10.2021, approached the respondent authorities and requested them to remove the said encroachment. However, no fruitful action was forthcoming. Therefore, the learned counsel prayed for appropriate direction to the respondent authorities by considering the representation of the petitioner.



4. On the other hand, the learned counsel appearing for the respondents submitted that the respondent authorities would consider the claim of the petitioner, as per law, within a time frame to be stipulated by this court.

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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 directs the respondent authorities to consider the representation of the petitioner dated 04.10.2021 and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner, respondents 4 and 5 as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The Commissioner
Jeyankondam Municipality
Jeyankondam
Ariyalur District.
2. The Tahsildar
Jeyankondaam Taluk
Ariyalur District.
3. The Assistant Engineer (O&M)
TANGEDCO, Jeyankondam
Ariyalur District.

+1cc to M/s.A.R.Suresh, Advocate, S.R.No.5301
+1cc to M/s.L.P.Maurya, Advocate, S.R.No.4823

W.P.No.1146 of 2022

CP(CO)
RLP(18/02/2022)