



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3430 of 2022

Kailasa N.S.Nedunchezian @ Subramanian

...Petitioner

Vs

- 1.Union of India rep. by the Chief Secretary,  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 2.The Secretary to Government (Revenue),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 3.The Secretary to Government (Agriculture),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 4.The Secretary to Government (Electricity),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 5.The Secretary to Government (Water Supply/PWD),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 6.The District Collector-cum-the Land Commissioner  
(Land Reforms), Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 7.The Deputy Collector (North) /  
Authorized Officer (Land Reforms),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.



8.The Assistant Engineer (Lawspet),  
Electricity Department,  
Government of Pondicherry,  
Pondicherry-605 008.

9.The Junior Engineer,  
Muthirapalayam Pump House, PWD,  
Government of Pondicherry,  
Muthirapalayam,  
Puducherry-605 009.

10.The Agriculture Extension Officer,  
Agriculture Department,  
Government of Pondicherry,  
Odiampet, Puducherry-605 110.

11.The Commissioner,  
Oulgaret Municipality,  
Oulgaret, Puducherry-605 010

12.The Member Secretary,  
Pondicherry Planning Authority,  
Jawahar Nagar, Boomiyampet,  
Pondicherry.

13.The District Registrar,  
Registration Department,  
Kamaraj Salai, sakthi Nagar,  
Saram, Pondicherry-605 103.

14.The Sub-Registrar,  
Registration Department,  
Jawahar Nagar Main Road,  
Boomianpet, Marie Oulgaret,  
Pondicherry-605 005.

15.The Thasildar,  
Taluk Office, Oulgaret,  
Pondicherry-605 010.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.11.2021 and take steps to remove the encroachment on the water canal in R.S.No.230/3, 230/2, 230/4 and 231/4 after giving a personal hearing to all concerned.

For Petitioner : Mr.P.John Zachariah

For Respondents : Mr.C.T.Ramesh,  
Addl. Govt. Pleader (Pondicherry)



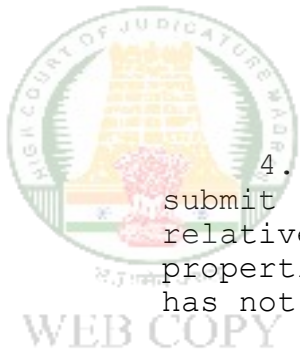
## ORDER

(Order of the Court was made by T.RAJA, J.)

WEB COPY This Writ Petition has been filed seeking for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.11.2021 and take steps to remove the encroachment on the water canal in R.S.No.230/3, 230/2, 230/4 and 231/4 after giving a personal hearing to all the parties concerned.

2. Learned Counsel appearing for the petitioner would submit that the lands-in-question are classified as agricultural lands by the respondents 2, 3, 6, 7, 9 and 10. The petitioner is also using the lands in the said survey numbers for agricultural purpose. Since a civil dispute has arisen between him and his brother late Vinayagam @ Siva, a suit was filed in O.S.No.37/2005 for partition of various other properties in Survey No.231/4 on the file of the III Additional District Judge, Puducherry and the petitioner also has filed his counter claim. The suit filed by his late brother Vinayagam and prosecuted by his legal heirs was dismissed for default and again restored back. When the said suit has been pending, an undivided agricultural site of the petitioner property was being converted as house sites inconnivance with the respondents 14, 15 and 16 and late Vinayagam @ Siva and his legal heirs have sought to sell the agricultural lands to convert the same into the house sites which is illegal because without obtaining permission from the authorities concerned, they cannot convert the agricultural lands as house sites. In this regard, the petitioner has issued a notice dated 22.05.2020 to the respondents 1 to 14 to prevent the conversion of the agricultural lands into house sites and also to remove the encroachments by taking suitable action, but there was no response for the same. Therefore, the petitioner was constrained to issue a legal notice on 07.09.2020 calling upon the respondents to take action against the violators as the canal carrying water to the water bodies is also wholly damaged and interfered. Since no action was forthcoming, the petitioner has given a representation dated 10.11.2021 to the respondents. Since the same was not considered till date, the present Writ Petition came to be filed.

3. Mr.C.T.Ramesh, learned Additional Government Pleader (Pondicherry) taking notice for the respondents would submit that when there was a civil suit filed by the petitioner in O.S.No.1849/2020 on the file of the Principal District Munsif, Pondicherry is pending, it is not known how he has given the representation dated 10.11.2021.



4. In reply, learned Counsel for the petitioner would submit that the suit filed by the petitioner against his relatives is only for partition of the undivided family properties. The dispute relating to the conversion of the canal has not been raised as an issue in the pending suit.

5. We also find some merits on the said submissions of the learned Counsel for the petitioner. Since the representation dated 10.11.2021 given by the petitioner also makes serious complaints about the conversion of the running water canals, we are of the view that it is the duty of the respondents to consider the same. In view of the above, the 6<sup>th</sup> respondent is hereby directed to consider the pending representation of the petitioner dated 10.11.2021 and dispose of the same, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order, by giving an opportunity of hearing to the petitioner, if necessary.

6. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

tsi

To

- 1.The Chief Secretary,  
Union of India,  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 2.The Secretary to Government (Revenue),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 3.The Secretary to Government (Agriculture),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.
- 4.The Secretary to Government (Electricity),  
Government of Pondicherry,  
Secretariat Building, Goubert Avenue,  
Puducherry-605 001.



5. The Secretary to Government (Water Supply/PWD),  
Government of Pondicherry,  
Secretariat Building,  
Goubert Avenue,  
Puducherry-605 001.
6. The District Collector-cum-the Land Commissioner  
(Land Reforms), Government of Pondicherry,  
Secretariat Building,  
Goubert Avenue,  
Puducherry-605 001.
7. The Deputy Collector (North) /  
Authorized Officer (Land Reforms),  
Government of Pondicherry,  
Secretariat Building,  
Goubert Avenue,  
Puducherry-605 001.
8. The Assistant Engineer (Lawspet),  
Electricity Department,  
Government of Pondicherry,  
Pondicherry-605 008.
9. The Junior Engineer,  
Muthirapalayam Pump House, PWD,  
Government of Pondicherry,  
Muthirapalayam,  
Puducherry-605 009.
10. The Agriculture Extension Officer,  
Agriculture Department,  
Government of Pondicherry,  
Odiampet, Puducherry-605 110.
11. The Commissioner,  
Oulgaret Municipality,  
Oulgaret, Puducherry-605 010
12. The Member Secretary,  
Pondicherry Planning Authority,  
Jawahar Nagar, Boomiyampet,  
Pondicherry.
13. The District Registrar,  
Registration Department,  
Kamaraj Salai, Sakthi Nagar,  
Saram, Pondicherry-605 103.



14.The Sub-Registrar,  
Registration Department,  
Jawahar Nagar Main Road,  
Boomianpet, Marie Oulgaret,  
Pondicherry-605 005.

WEB COPY

15.The Thasildar,  
Taluk Office, Oulgaret,  
Pondicherry-605 010.

+1cc to M/s.Fox Mandal & Associates, Advocate Sr.No.11745

+1cc to the Government Pleader (Pondicherry) Sr.No.12212

W.P.NO.3430 OF 2022

GPL(CO)  
RVM(16/03/2022)