



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.5759 of 2022

R.Devalingam

... Petitioner

-vs-

1. The Commissioner,
Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
2. The District Collector,
Chinna Salem,
Kallakurichi District-606 207.
3. The Revenue Tahsildar,
Chinna Salem,
Kallakurichi District-606 207.

4. R.Sathivel

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 08.12.2021 and to take necessary steps to remove the encroachments in S.No.243, Kachirayapallayam Village so that the rain water can drain through the channel without any hindrance.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.A.Selvendran,
1 to 3 Spl.G.P.

ORDER

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 08.12.2021 and to take necessary steps to remove the encroachments in S.No.243, Kachirayapallayam Village so that the rain water can drain through the channel without any hindrance.



2. Learned Counsel appearing for the petitioner would submit that the petitioner is an agriculturalist and a permanent resident of Akkarayapallaam Village, Kallakurichi Taluk. There is a river called 'Komuki' which runs through Cuddalore and the flow of the river through the channel 'Komuki' will be at 45 degree when it reaches Akkarayapallayam. Since at the said bend, a land at S.F.No.243, Kachirayapallayam vilage is situated, during rainfall, the flow of the water will hit the said bend and overflow to S.F.No.243 which is a river poromboke. After some individuals who have encroached the said lands at S.F.No.243, the breath of the channel was blocked, as a result, the river water is overflowing through the agricultural lands thereby causing heavy loss to the cultivation. Therefore, the representation of the petitioner dated 08.12.2021 has to be considered, it is pleaded.

3 Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents 1 to 3 by producing a letter dated 14.03.2022 addressed to him by the 3rd respondent herein, namely, the Revenue Tahsildar, Chinnaasalem, Kallakurichi District, would submit that after undertaking a field survey, the representation of the petitioner would be considered and if the 3rd respondent comes to know that there are encroachments in the land-in-question, the same would be removed as per law.

4. Recording the same, the Writ Petition is disposed of directing the 3rd respondent, namely, the Revenue Tahsildar, Chinnaasalem, Kallakurichi District to consider the representation of the petitioner dated 08.12.2021 and to take necessary steps to remove the encroachments in S.No.243, Kachirayapallayam Village, if any, within a period of four weeks from the date of receipt of a copy of this Order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Commissioner,
Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.



2. The District Collector,
Chinna Salem,
Kallakurichi District-606 207.

3. The Revenue Tahsildar,
Chinna Salem,
Kallakurichi District-606 207.

+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.17301
+1cc to the Government Pleader, S.R.No.17799

W.P.No.5759 of 2022

MT(CO)
CT 31/03/2022