



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.6685 of 2022

R.Kandasamy

... Petitioner

-vs-

1. The District Collector,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri.
3. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
4. The Executive Engineer (Irrigation),
Public Works Department,
Dharmapuri-636 705.
5. Muthu
6. Kandan
7. Akkumaran @ Naduvan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 3rd respondent to inspect and initiate proceedings for removal of the encroachment in the water body, being water channel running from west of S.No.70 running North to South, then turning towards Survey No.71 running west to East in the Southern side of S.No.71, in Naganampatti Village, Karimangalam Taluk, Dharmapuri District, in pursuant to the representation dated 4.12.2021 (given by the petitioner's father who passed away on 18.1.2022)



WEB COPY

For Petitioner : Mr.R.Selva Kumar

For Respondents : Mr.A.Selvendran,
1 to 4 Spl.G.P.

ORDER

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

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 3rd respondent to inspect and initiate proceedings for removal of the encroachment in the water body, being water channel running from west of S.No.70 running North to South, then turning towards Survey No.71 in Naganampatti Village, Karimangalam Taluk, Dharmapuri District, in pursuant to the representation dated 4.12.2021 given by the petitioner's father who passed away on 18.1.2022.

2. The case of the petitioner is that his family is having agricultural lands to an extent of 2.73 hectares in Survey Nos.153/2 and 153/4 situated in No.038 Naganampatti Revenue Village, Karimangalam Taluk, Dharmapuri District. They exclusively depend upon the water drawn from a water channel on both the sides for doing agriculture and for charging their wells and no other water channel is available except the rain. The said water channel runs from west of S.No.70 runs North to South, then turns towards Survey No.71. The owners of the lands abutting the water channel, especially in S.Nos.70/7D, 70/7C, 70/13, 70/14, 70/7A, 70/9 and 152 have interfered with the water channel and connected the water channel to their agricultural oil fields illegally, as a result, there was no water flow in this water channel. The respondents 5 to 7 herein are some of the encroachers who have also encroached the water channel by annexing the same with their lands. Therefore, a representation dated 04.12.2021 was given pointing out the encroachments in the water channel put up by the respondents 5 to 7. But no action has been taken. Hence the present Writ Petition.

3. Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents 1 to 4 placed on record a written instruction given by the 3rd respondent to him dated 23.03.2022 in which it has been stated that the Tahsildar has come to know on enquiry that there has been encroachments to the extent of 5 cents of land by each of the respondents 4 to 7 in the water channel-in-question. Therefore, he has sought for two weeks time to remove the encroachments.



4. Considering the facts and circumstances of the matter, the 3rd respondent herein, namely, The Tahsildar, Karimangalam Taluk, Dharmapuri District is hereby directed to remove the encroachments made by the respondents 4 to 7 in the water channel-in-question, within a period of four weeks from the date of receipt of a copy of this Order. Needless to mention that notice shall be given to the aggrieved parties for the removal of the encroachments, as per law.

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

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri.
3. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
4. The Executive Engineer (Irrigation),
Public Works Department,
Dharmapuri-636 705.

+1cc to Mr.R.Selvakumar, Advocate SR.No.19407

W.P.No.6685 of 2022

AK(CO)
CB(04/04/2022)