



WEB COPY

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W.P.No.18491/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 28-10-2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.18491 of 2022

V.K.Murugan

...

Petitioner

-VS-

1.The District Collector,
Collectorate Kallakuruchi,
Kllakuruchi District.

2.The Tahsildar,
Ulundurpettai Taluk,
Kallakurichi District.

3.K.Cauvery
4.Manikkam

5.The Block Development Officer,
Ulundurpettai Taluk,
Kallakuruchi District.

6.The Assistant Engineer,
Water Resource Department,
Public Works Department,
Ulundurpettai Taluk,
Kallakuruchi District.

...

Respondents



Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the first and second respondents to dispose of the petitioner's representation, dated 07.12.2021, and to remove the encroachment made by the third and fourth respondents in one drinking water tank situated in Survey No.83, Kandamur Tank, situated in Survey No.103, Two lakes situated in Survey No.251/1A, 251/1B, Common irrigation channel situated in Survey No.105 and burial ground situated in Survey No.95, Stone poramboke in Survey No.269/4 and Tharisu Poramboke situated in and around the said village.

For Petitioner : Mr.G.Ranganathan

For Respondents 1,2,5 & 6 : Mr.A.Selvendran,
Special Government Pleader.

ORDER

(By D.Krishnakumar,J.)

Petitioner has filed this Writ Petition as a Public Interest Litigation to remove the encroachments in the water bodies along with burial grounds.

2. According to the petitioner, as stated in the affidavit filed in support of the writ petition, the village people of Anganur are all agriculturists and they utilise the water bodies in Survey Nos.251/1A and 251/1B, namely, Anganur Periari and Chinnaari, for drinking and agricultural purposes. The said water bodies have been encroached by one Cauvery and Manikkam, who are third and fourth respondents



herein. In view of the encroachment in the said water bodies, they have misused and prevented the access and free flow of water from the said lakes to the fields, for which, the petitioner has made a representation, dated 07.12.2021, to the respondents and based on the said representation, the first respondent has sent a communication in proceedings No.O.Mu.(A5).16657/2021 on 24.01.2022 to the second respondent to take immediate action on the petitioner's representation and, thereafter, there is no response from the respondents.

3. Learned Special Government Pleader, appearing for the official respondents, on instructions from the second respondent - Tahsilar, submitted that in Survey No.251/1A, Anganur Village, the encroachment has been removed and in so far as the other Survey No.251/1B is concerned, action will be taken for removal of the encroachment within a period of two weeks along with other departments. He further submitted that the petitioner has not impleaded the Panchayat as a party in the present writ petition and the competent authority to remove the encroachment is local panchayat.

4. Considering the submissions made by the learned Special Government Pleader, we are of the view that since the petitioner has made a representation to the first respondent - District Collector and the second respondent – Tahsildar, and the Tahsildar has informed the Court that action has been taken for removal of the encroachment in consultation with the panchayat concerned, even though panchayat is not a party in



these proceedings, we direct the second respondent – Tahsildar and the respondents 5 and 6 along with panchayat officials to take joint action for removal of the encroachments in the aforesaid property as early as possible, preferably within eight weeks from the date of receipt of a copy of this order, by following due procedure.

5. Writ Petition is disposed of accordingly. No costs.

Index : Yes/No

(D.K.K.,J.)

(T.V.T.S.,J.)

Internet : Yes/No

28-10-2022

Speaking / Non-speaking Order

(2/2)

dixit

To

1.The District Collector,
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