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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

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THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.25712 of 2021

J.Karthikeyan

... Petitioner

vs

- 1.The District Collector,
Ranipet District,
Collectorate Ranipet,
Pin - 632 401.
- 2.The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Upper Palar Basin Division,
Vellore - 632 006.
- 3.The Assistant Director,
District Survey and land Records,
Vellore - 632 009.
- 4.The Tahsildar,
Arakkonam Taluk,
Arakkonam - 631 001,
Ranipet District.
- 5.Taluk Deputy Inspector (Survey),
Taluk Office,
Arakkonam - 631 001,
Ranipet District.
- 6.Assistant Engineer,
Public Works Department (Irrigation),
Thakkolam Kootu Road,
Thakkolam - 631 151,
Arakkonam Taluk,
Ranipet District.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to remove the entire encroachments made in the 8 kilometer length Field Channel by name 'Kasakkalvai' which passed through Survey Nos.1210 and 1220 Thakkolam Village and passes through Puthukesavaram Village and finally reaches to the Thottimaniyam Lake in Arokkonam Taluk and Ranipet District, by following the provisions and procedures laid down in the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the Rules framed thereunder.

For Petitioner : Mr.S.Rajendiran

For Respondents: Mr.J.Ravindran,
Additional Advocate General,
Assisted by Mr.A.Selvendran,
Special Government Pleader

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court seeking a direction to the respondents to remove the entire encroachments made in the 8 kilometer length Field Channel, by name 'Kasakkalvai', by following the provisions and procedures laid down under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

2.Learned counsel appearing for the petitioner submitted that the petitioner, being an agriculturist, is having 5½ acres of Nanja land, which stands in his father's name in Thakkolam Village within the Ayacut irrigation limit of the Kasakkalvai and the petitioner has been cultivating paddy therein. However, thousand acres of nanja lands in Thakkolam Village and Puthukesavaram Village are solely depending upon the Kasakkalvai for their irrigation and cultivation. Since the above Kasakkalvai has been encroached by several persons, those who have been cultivating lands adjacent to the said Kasakkalvai, thereby blocking its water flow and affecting the petitioner's cultivation and other farmers, the petitioner made repeated representations to the respondents herein to restore the subject field channel (Kasakkalvai) and its water flow by removing the said encroachments. However, the second respondent vide his letter dated 22.10.2018 communicated to the petitioner stating that the dredging work was in progress in the subject field channel under a special rejuvenation project and that all obstructions made in the channel would be removed. Despite the same, no action has been taken by the respondents till date. Therefore, the petitioner is before this Court.



3.Learned Special Government Pleader appearing for the respondents sought six weeks' time to do the needful.

4.Heard both sides.

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5.A perusal of the compliance report dated 31.01.2022 filed by the Assistant Engineer, Public Works Department (Irrigation), Arakkonam Taluk, Ranipet District/the sixth respondent herein would show that encroachers were given 21 days' time, after being given Form-III and if they do not remove the encroachments within the specified time, the officials of the Water Resources Department would start the eviction process. In this regard, it is useful to extract the status report as under:

'As per the direction of Honourable Court on the date 07.12.2021, the fourth respondent/Tahsildar gave form-I notice to the Assistant Engineer, WRD, Irrigation Section, Thakkolam on 20.01.2021 for the Survey Nos.1205/1 and 1211. The Tahsildar listed the encroachers' details only Thakkolam Village and not included Puthukesavaram Village. Thereafter, the Assistant Engineer, WRD, Irrigation Section, Thakkolam made a communication letter to the fourth respondent for the further encroachers details of Puthukesavaram Village. Now, Puthukesavaram encroachers list will be surveyed and issue as early. Based on the details received in Form-I from the Tahsildar Arakonam, the Assistant Engineer, W.R.D., Irrigation Section, Takkolam issued Form-II to concern VAO and Panchayat Office for notification to the public on 25.01.2022.

The Form-III will be issued to the encroachers of Thakkolam and Puthukesavaram Villages as early. Encroachers will be given 21 days after being given Form-III. If they do not remove the encroachments themselves within 21 days the Water Resources Department Officials will start the eviction process.'

6.Considering the compliance report dated 31.01.2022 filed by the Assistant Engineer, Public Works Department (Irrigation), Arakkonam Taluk, Ranipet District/the sixth respondent herein stating that encroachers were given 21 days' time to remove the encroachments, after being given Form-III and if they do not remove the encroachments within the specified time, the officials of the Water Resources Department would start the eviction process, we hereby direct the respondents herein to take action by removing the encroachments and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after giving notice to all the necessary parties concerned.



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7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
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6. Assistant Engineer,
Public Works Department (Irrigation),
Thakkolam Kootu Road,
Thakkolam - 631 151,
Arakkonam Taluk,
Ranipet District.

+1cc to Government Pleader SR.No.11974

W.P.No.25712 of 2021

KG(CO)
GMY(07/03/2022)