



W.P. No.29847 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.29847 of 2022

C.Karuppayya ... Petitioner

Vs.

1.The District Collector,
Ariyalur District.

2.The Assistant Director (A.D.)
Rural Development and Panchayat Department,
Collectorate, Ariyalur District,
Ariyalur.

3.The Revenue Divisional Officer,
Ariyalur District, Ariyalur

4.The Tahsildar,
Thasildar Office,
Ariyalur District

5.The Block Development Officer,
Thirumanur,
Ariyalur District, Ariyalur

... Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing respondents 1 and 2 to initiate steps to remove the encroachment in S.No.318 and in irrigation canal in Keeshakaittankurichi Village, Ariyalur Taluk.

For the Petitioner :: Mr.T.Dharani

For the Respondents :: Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking for a Writ of Mandamus directing the respondents 1 and 2 to initiate steps to remove the encroachment in S.No.318 and in irrigation canal in Keeshakaittankurichi Village, Ariyalur Taluk.

2. Learned counsel for the petitioner submitted that the petitioner is eking out his livelihood as an agriculturist, cultivating his land. The piece of land in S.No.318 of Keeshakaittankurichi Village, Ariyalur Taluk has been classified as 'irrigation canal' in the village revenue records. Water from the said canal served the needs of



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farmers and agriculturists in the area. It is the contention of the petitioner that the land in S.No.318 has been fully encroached and now there is no source of water.

3. Learned counsel also contended that some villagers viz., B.Nehru @ Rajendran, Murugesan, M.Govindanainar and R.Balakrishnan are trying to lay a cart track on their own using JCB equipment, in S.No.318, without surveying the land and without obtaining proper permission from authorities concerned. If the aforementioned track is allowed to be laid down by the said persons, the water canal would be completely erased. Therefore, the petitioner made a representation dated 14.09.2020, to the Block Development Officer, Thirumanur, with a request to lay the road in the Government poramboke land. Consequently, the Block Development Officer in his proceedings Na.A2/11678/2020 dated 21.09.2020 had instructed the Tahsildar, Ariyalur to measure the land and take appropriate steps on the petitioner's representation. Since no action has been taken, the petitioner has approached this Court by filing this writ petition.



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4. Mr.P.Muthukumar, learned State Government Pleader submitted that there existed a cart track adjacent to the water canal and some of the villagers are only trying to re-lay the cart track so that the general public, agriculturists and farmers can have easy transport and agricultural products could also be easily moved in and out of the village. In short, the learned State Government Pleader submitted that the re-laying of the cart track is only for the benefit of the villagers on the whole.

5. Heard both sides. We are of the view that instead of private persons re-laying the cart track, Government has to take up the work and we hereby direct the fifth respondent Block Development Officer, Thirumanur, Ariyalur District, Ariyalur to lay the cart track. The Block Development Officer is also directed to ensure that encroachments if any found in the water canal and S.No.318 should be removed forthwith so that there is free flow of water like before, and the water could be used by agriculturists and farmers.



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6. With the above direction, the writ petition is disposed of. No costs.

(T.R., ACJ.) (D.B.C., J.)
11.11.2022

Index: Yes/No
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