



Sub Appl.No.332 of 2017

**Sub Appl.No.332 of 2017 in
Cont.P.No.314 of 2017**

WEB COPY

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

The petitioner has come forward with this sub application for appointment of an Advocate Commissioner to physically inspect the subject water body NAAVAL KUTTAI comprised in S.No.34/1 at Karpagam Kattuvalavu, Valayakaranur Village, Salem District.

2. According to the learned counsel for the petitioner, the petitioner made repeated representations to the respondents to remove the encroachments in the subject area of water body. However, none of the representations yielded any response. Therefore, he preferred WP.No.37071 of 2016 seeking a direction to the respondents to remove the encroachments made in the water body. By order dated 24.10.2016, the said writ petition was disposed of, recording the submission of the learned Special Government Pleader that the encroachments have been removed, which according to the petitioner, is false and misrepresentation, by alleging that the disputed



Sub Appl.No.332 of 2017

property was not at all surveyed and the encroachments have not yet been removed. Therefore, the petitioner has preferred the present contempt petition. Even after filing of the same, the respondents have not taken steps to remove the encroachments.

3. Per contra, the learned counsel appearing for the respondents drew the attention of this court to the counter affidavit filed by the Tahsildar, Salem, wherein, it is *inter alia* stated that eviction of encroachments in S.Nos.33/1, 34/1 classified as Kuttai and Eri Poramboke have been made on 22.10.2016 and the grievance of the petitioner was fulfilled and hence, there is no violation of the order of this court dated 24.10.2016 passed in WP.No.37071 of 2016.

4. The aforesaid averments made on the side of the respondents, have been stoutly refuted by the learned counsel for the petitioner.

5. Considering the rival submissions, this court, in order to ascertain the present status of the subject property, is inclined to appoint an Advocate



Sub Appl.No.332 of 2017

Commissioner. Accordingly, Mr.R.Ramachandran, Ms.3774/2014, having office at 3rd Floor, Canara Bank Building, Old No.125, New No.257, Angappa Naicken Street, Parrys, Chennai-01, Mobile No.96294 53516, is appointed as Advocate Commissioner. He shall go and inspect the property at No.33/1 and 34/1 with the assistance of the revenue officials, after issuing due notice to all the parties and in the presence of the parties concerned; find out with the help of the revenue records (i)there is any water body / agricultural land situated; and (ii)any encroachment is still existing; and file a detailed report along with photographs, sketch, etc, within a period of two weeks. The petitioner shall pay a sum of Rs.25,000/- towards remuneration, apart from transportation and incidental charges, to the Advocate Commissioner, within a period of two days.

6. Accordingly, this application is ordered.

[R.M.D., J.]

[M.S.Q.,J.]

15.07.2022

msr



WEB COPY



Sub Appl.No.332 of 2017

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

msr

Sub Appl.No.332 of 2017
in
Cont.P.No.314 of 2017

15.07.2022
(2/2)