



W.P.No.32965 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32965 of 2022

A.K.Celli Gounder

..

Petitioner

v.

1. The District Collector
District Collector Office
Erode
2. The Revenue Divisional Officer
Revenue Divisional Officer's office
Gobichettipalayam, Erode
3. The Tahsildar
Taluk Office, Sathyamangalam
Erode District
4. The Assistant Engineer
Water Resources Department
Irrigation Division, Coimbatore Main Road
Sathyamangalam-1



W.P.No.32965 of 2022

5. The Assistant Executive Engineer
Department of Water Resources
Canal Sub Division, Modachur Road
Gobichettipalayam 638 476

6. Lathamani
W/o Balasundaram .. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to pass orders on the petitioner's representation dated 21.05.2022 seeking to remove the encroachment made by the 6th respondent and to restore the canal at Ariyappampalayam Village, Sathyamangalam Taluk, Erode District, within a stipulated period as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.S.Parthasarathy

For Respondents :: Mr.J.Ravindran
Additional Advocate General
assisted by Mr.A.Selvendran
Special Government Pleader
for R1 to R5

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition under Article 226 of the Constitution of India has been filed by Mr.A.K.Celli Gounder seeking for issuance of a mandamus directing the respondents 1 to 5 to remove the encroachment made by the



W.P.No.32965 of 2022

WEB COPY

sixth respondent in S.F.No.223/3, which is a Vaikkal (water channel) situated at Ariyappampalayam Village, Sathyamangalam Taluk, Erode District, on the basis of the representation dated 21.05.2022 submitted by the petitioner.

2. Mr.S.Parthasarathy, learned counsel appearing for the petitioner, drawing our notice to the 'A' register, demonstrated clearly that the land covered in Survey No.223/3 has been classified as Vaikkal. Therefore, if there is any water body including water canal, no one can be allowed to encroach or efface or obliterate the water body or water canal. In the present case, several representations have been given. But no response is forthcoming. Even the Revenue Tahsildar, Sathyamangalam, the third respondent herein also in his proceeding dated 01.06.2022 addressing the Assistant Executive Engineer, Department of Water Resources, Irrigation Division, Sathyamangalam, the fourth respondent herein admitted the case of the petitioner that the sixth respondent has encroached into the water canal. Thereafter, the District Revenue Officer, Erode also addressed a letter



W.P.No.32965 of 2022

WEB COPY

dated 16.06.2022 to the fourth respondent to consider the representation of the petitioner.

3. It is at this stage, learned Additional Advocate General appearing for the respondents 1 to 5, taking note of the aforesaid communications dated 01.06.2022 and 16.06.2022 addressed by the Revenue Tahsildar, Sathyamangalam and the District Revenue Officer, Erode respectively to the Assistant Executive Engineer, Department of Water Resources, Irrigation Division, Sathyamangalam, the fourth respondent herein, sought for six weeks time to remove the encroachments after giving proper notice to the encroachers.

4. Recording the statement made by the learned Additional Advocate General appearing for the respondents 1 to 5, we dispose of this writ petition with a direction to the official respondents to issue notice to the encroachers seeking to show cause as to why they should not be removed from the place in question within a period of one week from the date of receipt of a copy of



W.P.No.32965 of 2022

WEB COPY

this order and after complying with the principles of natural justice, all the encroachments in Survey No.223/3, classified as Vaikkal, shall be removed by the respondents 1 to 5 within a period of six weeks time. There shall be no order as to costs.

Speaking/Non speaking order
Index : yes/no

(T.R.,A.C.J.) (D.B.C.,J.)
08.12.2022

ss

To

1. The District Collector
District Collector Office
Erode
2. The Revenue Divisional Officer
Revenue Divisional Officer's office
Gobichettipalayam, Erode
3. The Tahsildar
Taluk Office, Sathyamangalam
Erode District
4. The Assistant Engineer
Water Resources Department
Irrigation Division, Coimbatore Main Road
Sathyamangalam-1
5. The Assistant Executive Engineer



W.P.No.32965 of 2022

WEB COPY

Department of Water Resources
Canal Sub Division, Modachur Road
Gobichettipalayam 638 476



WEB COPY



W.P.No.32965 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

W.P.No.32965 of 2022

08.12.2022