



W.P.No.7047 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.7047 of 2018

M.Jayaraman

... Petitioner

Vs.

1.The District Collector,
Villupuram District.

2.The Tahsildar,
Sankarapuram Taluk,
Villupuram District.

3.M.Selvamani
4.N.Govindan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the first and second respondents to remove the encroachments made by the third and fourth respondents on the water channel (Odai Poramboke) in S.No.170/2A of Seshasamuthiram Village of Sankarapuram Taluk in Villupuram District within a time frame.

For petitioner

: Mrs.V.Suguna
M/s.P.Arund Dattan

For respondents

: Mr.A.Selvendran
Special Government Pleader
for R1 and R2
No appearance for R3



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ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

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The relief sought for in this writ petition is to issue a writ of mandamus directing the respondents 1 and 2 to remove the encroachments made by the third and fourth respondents on the water channel (Odai Poramboke) in S.No.170/2A of Seshasamuthiram Village of Sankarapuram Taluk in Villupuram District within a time frame to be fixed by this court.

2.The case of the petitioner is that he is an agriculturist and is cultivating crops, such as, paddy, sugar cane, cotton and other crops, on his agricultural lands. According to him, the entire villagers are used to watering their lands to the extent of hundreds of acres through a common water stream, which flows through S.No.170/2A classified as Odai poramboke (water channel) situated in Seshasamuthiram Village, Sankarapuram Taluk, Villupuram District. While so, the third respondent constructed a house by blocking the water channel and also destroying the common pathway. The fourth respondent encroached the said water channel by making it as agricultural lands. Feeling aggrieved, the petitioner made a representation dated 04.09.2017 to the respondents 1 and 2 requesting to remove the encroachments made by the respondents 3 and 4 in the water channel. However, no action has been taken till date, which compelled the petitioner to file this writ petition for the aforesaid relief.



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3. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the respondent authorities to consider his representation dated 04.09.2017 on merits and in accordance with law, within a time frame to be stipulated by this court.

4. On the other hand, the learned Special Government Pleader appearing for the respondents 1 and 2 has no serious objection for granting such relief to the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, the respondents 1 and 2 are directed to consider the petitioner's representation dated 04.09.2017, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.



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

r n s

6.Accordingly, the writ petition is disposed of. There is no order as to costs.

[R.M.D,J.] [M.S.Q, J.]
02.02.2023

r n s

Speaking Order / Non-speaking order
Internet : Yes.
Index : Yes/No

To

- 1.The District Collector,
Villupuram District.
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