



W.P.No.6318 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.6318 of 2018

D.Dharmalingam

... Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Salem District.

2.The Tahsildar,
Attur Taluk Office,
Attur (Taluk),
Salem District.

3.Sathishkannan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 21.02.2018 and investigate the same in accordance with law.

For petitioner

: Mr.R.Sankarasubbu

For respondents

: Mr.A.Selvendran
Special Government Pleader
for R1 to R3
Mr.P.Jagadeesan for R3



W.P.No.6318 of 2018

WEB COPY

ORDER

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

The case of the petitioner is that he owns 5 acres of agricultural lands in Pungavadi Village, Attur Taluk, Salem District. His adjacent land is situated in S.No.201/1. There is also a land in S.No.199/6, classified as water channel in the village revenue records. The said water channel passes and reaches to the water body through S.No.199/5 belonging to Perumal S/o.Narayanan and it ends at lake water channel in S.No.201/2. The petitioner's grievance is that the said water channel has been encroached by the third respondent, thereby causing hindrance to the nearby land owners. Pointing out the same, the petitioner submitted a representation dated 21.02.2018, followed by a reminder dated 27.02.2018, to the second respondent requesting to remove the encroachment made by the third respondent in the water channel. Finding no response on the same, he has come up with this writ petition seeking a direction to the respondent authorities in this regard.

2.Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel appearing for the third respondent.



W.P.No.6318 of 2018

WEB COPY

3.Considering the limited nature of the relief sought herein, this court, without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representation dated 21.02.2018, 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.

4.With the above direction, 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

R. MAHADEVAN, J.



WEB COPY



W.P.No.6318 of 2018

and
MOHAMMED SHAFFIQ, J.

r n s

To

- 1.The District Collector,
District Collector's Office,
Salem District.
- 2.The Tahsildar,
Attur Taluk Office,
Attur (Taluk),
Salem District.

W.P.No.6318 of 2018

02.02.2023