



W.P.No.7254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7254 of 2023

R.Kandasamy

.. Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Kallakurichi.
- 2.The District Revenue Officer,
Kallakurichi,
Kallakurichi District.
- 3.The Tahsildar,
Chinnasalem Taluk,
Kallakurichi.
- 4.The Block Development Officer,
Union Office of Panchayat,
Kalvarayanmalai @ Vellimalai,
Chinnasalem Taluk,
Kallakurichi.



W.P.No.7254 of 2023

5.The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Kallakurichi,
Kallakurichi District.

6.The Village Administrative Officer,
Pottiyam Village,
Chinnasalem Taluk,
Kallakurichi.

7.T.Govindan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachment of water body (Kulam) comprised in Survey No.5/6, Pottiyam Village, Chinnasalem Taluk, Kallakurichi District, from the 7th respondent by respondents 1 to 6 pursuant to the petitioner representation dated 20.12.2018.

For the Petitioner : Mr.S.Nedunchehiyan
for Mr.T.Balachandran

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 3,
5 and 6



W.P.No.7254 of 2023

: Mr.P.Muthukumar
State Government Pleader
for respondent No.4

ORDER

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

R.Kandasamy, son of Ramasamy, a resident of Parigam Village, Kallakurichi District, has filed this writ petition seeking issuance of a writ of mandamus to direct respondents 1 to 6 to remove the encroachment put up by the seventh respondent over the land comprised in Survey No.5/6, Pottiyam Village, Chinnasalem Taluk, Kallakurichi District, which is classified as a water body (Kulam), based on the representation of the petitioner dated 20.12.2018.

2. Mr.S.Nedunchehiyan, learned counsel appearing for the petitioner, would submit that the seventh respondent had encroached upon the land comprised in Survey No.5/6, Pottiyam Village, Chinnasalem Taluk, Kallakurichi District, which is classified as a waterbody (Kulam). The representation sent by the petitioner on 20.12.2018 to the respondent authorities did not evoke any



W.P.No.7254 of 2023

response till date. Hence, the petitioner has been advised to file this writ petition. Learned counsel for the petitioner drew the attention of this court to a copy of the "A' Register which shows that the land is classified as "Kulam" (water body).

3. Mr.J.Ravindran, learned Additional Advocate General appearing for respondents 1 to 3, 5 and 6 and Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the fourth respondent, submitted that if six weeks' time is granted to the respondent authorities, they will conduct a survey of the lands in question and thereafter remove the encroachments.

4. Recording the aforesaid submission made by learned Additional Advocate General and learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the lands in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroachers. The entire exercise is to be completed within a period of six weeks



W.P.No.7254 of 2023

from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
10.03.2023

Index : No
Neutral Citation : No
sasi

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W.P.No.7254 of 2023

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

(sasi)

W.P.No.7254 of 2023

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