



W.P.No.4921 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.4921 of 2018

M.Rajamanickam

... Petitioner

Vs.

- 1.The District Collector,
Thiruvannamalai District,
Collectorate Complex,
Thiruvannamalai.
- 2.The Revenue Divisional Officer,
RDO's Office,
Thiruvannamalai Town & District.
- 3.The Tahsildar,
Taluk Office,
Kalasapakkam Village & Taluk,
Thiruvannamalai District.
- 4.Kamaraj
- 5.Kumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 08.01.2018 for removal of illegal encroachment made by the respondents 4 and 5 over the Odai situated in S.No.365.



W.P.No.4921 of 2018

WEB COPY

For petitioner : M/s.V.Meharunisha
For Mr.V.Prakash Babu

For respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

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

According to the petitioner, the land comprised in S.No.365 of Melcholankuppam Village, Kalasapakkam Taluk, Tiruvannamalai District is an Odai and is a water catchment area for Miruganda River. The petitioner and his daughter own lands in S.Nos.363 and 364/1 respectively, which are situated on the western side of the Odai. All the land owners including the petitioner, reach the main road only through the Odai and it is the only ingress and egress for the petitioner to reach his land and to the main road. While so, the respondents 4 and 5 encroached upon the entire survey No.365 and thereby prevented the free flow of water through the Odai to Miruganda River, which cause hindrance to the petitioner and other land owners to reach the main road from their lands. Hence, the petitioner made a representation to the respondents on 25.10.2017 requesting to remove the encroachment in the Odai, which was not considered. Thereafter, the petitioner along with her daughter sent another representation on 08.01.2018 to the respondent authorities in this regard. However, till date, no



W.P.No.4921 of 2018

action has been taken on the same. Therefore, the petitioner has come up with this writ petition for a direction to the respondents to remove the encroachment made by the respondents 4 and 5 in S.No.365, which is Odai.

2.When the matter was taken up for consideration, the learned counsel for the respondent authorities fairly submitted that the respondent authorities would consider the petitioner's representation dated 08.01.2018, if not considered earlier, and remove the encroachment as per law, within a time frame to be stipulated by this court.

3.In view of the limited relief sought by the petitioner, without going into the merits of the case, there shall be a direction to the respondent authorities to consider the petitioner's representation dated 08.01.2018, if not considered earlier and take appropriate action, on merits and in accordance with law, after affording due opportunity of hearing to all the parties, 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.



W.P.No.4921 of 2018

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

r n s

4.With the above direction, this writ petition stands disposed of. No costs.

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

r n s

Speaking Order

Internet : Yes.

Index : Yes.

To

- 1.The District Collector,
Thiruvannamalai District,
Collectorate Complex,
Thiruvannamalai.
- 2.The Revenue Divisional Officer,
RDO's Office,
Tiruvannamalai Town & District.
- 3.The Tahsildar,
Taluk Office,
Kalasapakkam Village & Taluk,
Thiruvannamalai District.

W.P.No.4921 of 2018