



W.P.No.26552 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.No.26552 of 2014

N.Saravanan

... Petitioner

Vs

1. The District Collector,
Tiruvannamalai District.

2. The Tahsildar,
Polur Taluk,
Tiruvannamalai District.

3. The Block Development Officer,
(Village Panchayats)
Polur Panchayat Union,
Tiruvannamalai District.

4. The President,
Mambattu Village Panchayat,
Polur Taluk,
Tiruvannamalai District.

5. Sellapandiyan,
Overseer,
Polur Panchayat Union,
Tiruvannamalai District.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to restore the channel in Survey Number.433/26 situated at Mambattu Village and further direct the respondents to take departmental action against the fifth respondent.

For Petitioner : Mr.B.Jawahar
For Respondents :
For R1 to R3 : Mr.T.Arunkumar
Additional Government Pleader
For R4 & R5 : No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents to restore the channel in Survey No.433/26 situated at Mambattu Village and further direct the respondents to take departmental action against the fifth respondent.

2. The grievance of the writ petitioner is that the channel has been encroached upon by some persons, which is causing prejudice to the interest of the people residing in that locality. The petitioner is unable to



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irrigate his agricultural land on account of such encroachments in water path which is impermissible as per the Judgement of the Hon'ble Apex Court and the Hon'ble Division Bench of this Court and pursuant to the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

3. The competent authorities are bound to evict all the encroachments, if any, by following the procedures as contemplated.

4. Since the petitioner has raised an allegation, the respondents 1 and 2 are directed to conduct a field inspection and if any encroachments in water paths are identified, then evict the same by following the procedures as contemplated under the Statutes and Rules in force. This exercise shall be carried out by the respondents 1 and 2 within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. In view of the above direction, the writ petition stands disposed
of. No cost.

19.06.2023

Index : Yes/ No
Neutral Citation : Yes/No
Speaking/Non-speaking Order
rgm

To

1. The District Collector,
Tiruvannamalai District.
2. The Tahsildar,
Polur Taluk,
Tiruvannamalai District.
3. The Block Development Officer,
(Village Panchayats)
Polur Panchayat Union,
Tiruvannamalai District.



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S.M.SUBRAMANIAM, J.

rgm

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