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W.P.No.95 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2023

CORAM

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

W.P.No.95 of 2016

K.S.Gnanavel

.. Petitioner

Vs.

1.The District Collector,
Erode District, Erode – 638 011.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.The Executive Engineer,
Water Resources Organization,
Lower Bhavani Basin Division,
Erode – 638 002, Erode District.

4.K.Chidambaram

5.K.Shanmugam

6.N.Moorthy

7.N.Dhanapal

8.K.Karunamurthi

1/6



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9.S.Sakthivel

10.Balu

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 1 to 3 to remove the encroachments/obstructions in the LBP canal formed in R.S.No.970/2 and 970/6, Pethampalayam Village, Perundurai Taluk, Erode District, in compliance with the Circular No.T1/23155/2005 dated 19.07.2005 issued in line with the judgment in L.Krishnan case [2005 (4) CTC 1] by considering the petitioner's representation dated 17.11.2015.

For Petitioner : Mr.N.Manokaran

For RR1 to 3 : Mr.A.Selvendiran
Special Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 3 to remove the encroachments/obstructions in the LBP canal formed in R.S.No.970/2 and 970/6, Pethampalayam Village,



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Perundurai Taluk, Erode District, in compliance with the Circular No.T1/23155/2005 dated 19.07.2005 issued in line with the judgment in ***L.Krishnan v. State of Tamil Nadu [2005 (4) CTC 1]*** by considering the petitioner's representation dated 17.11.2015.

2.When the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents 1 to 3 drew the attention of this Court to the status report dated nil.03.2019 filed by the Revenue Divisional Officer, Erode, wherein, in paragraph no.2, it is *inter alia* stated as follows:

“2.It is humbly submitted that the writ petitioner has mentioned in the affidavit filed in the Hon'ble High Court of Judicature at Madras that the canal passing through R.S.No.970/2, Plot Nos.70,71 and finally through the land situated in R.S.No.969/5, Pethampalayam village, Perundurai taluk, Erode District, which is being owned by the writ petitioner, was being encroached upon by the owners of Plot Nos.70 and 71, namely Tmt.Chellammal W/o Kandasamy and another one Tmt.Karthikeyini W/o Thangavel. They are members of CH11 Kanji Anna Weavers' Co-op.,Society and AA94 Kanjikoil Weavers Co-op.,Society. In that juncture, Notices under Act III of Section 7 of the Tamil Nadu Land Encroachment Act were issued to the encroachers to the above Weavers' Co-op., Societies and to the Executive Officer of the concerned Town Panchayat namely Karumandichellipalayam Town Panchayat. Moreover, Notices under Act III of Section 7 of the Tamil Nadu Land Encroachment Act were issued to the other encroachers including the Writ Petitioner Thiru Gnanavel



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and Tvl.S.Venkitachalam, K.S.Arumugam and Kumar on 28.01.2016 itself. After that, Notices under Act III of Section 6 of the Tamil Nadu Land Encroachment Act have also been issued to the above encroachers on 11.02.2016 after affording them reasonable time. After the expiry of the statutory time limit of 7 days, as the encroachers were very adamant and reluctant to remove the encroachments themselves, on 07.03.2016, the encroachments have been cleared and evictions carried out in presence of the concerned Zonal Deputy Tahsildar, Perundurai, Revenue Inspector, Kanjikoil, Firka Surveyor, Kanjikoil and the concerned Village Administrative Officer. In this context, I humbly submit that the eviction of the above encroachments were photographed and a solid report was also submitted to the District Collector, Erode by the Taluk Tahsildar, Perundurai, a copy of which also has been marked to the Second Respondent, i.e., the Revenue Divisional Officer, Erode.”

Thus, according to the learned counsel, encroachments have already been removed, after complying with the norms as contemplated under the Tamil Nadu Encroachment Act, 1905 and hence, nothing survives for further adjudication herein.

3.The aforesaid submissions made on the side of the respondent authorities have been fairly conceded by the learned counsel for the petitioner. However, he sought time for ascertaining the present position of the subject land.



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4.Considering the fact that the writ petition is of the year 2016, this

Court is not inclined to adjourn the matter further. However, liberty is granted to the petitioner to approach the competent authority to meet out his grievances, if any. Accordingly, this writ petition stands disposed of. No costs.

[R.M.D., J.]

[M.S.Q., J.]

20.01.2023

Index: Yes / No

Speaking order/ Non-speaking order

Neutral Citation; Yes / No

nsd

To

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