



W.P.No.35198 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35198 of 2022

J.Usha

.. Petitioner

Vs.

1. The District Collector
Collectorate Office of Cuddalore
Cuddalore District
Cuddalore.

2. The Tahsildar
Office of Kattumannarkoil Taluk
Katumannarkoil
Cuddalore District.

3. D.Chandramohan

4. Sivasankaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to conduct enquiry in the petitioner's representations dated 09.01.2021 and 09.08.2021 and further direct them to remove the encroachment



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in the waterways and public paths in S.Nos.74, 75, 77, 78, 79, 80, 81, 82, 36 and also the encroachments in the water drainage canal on the western side of the PWD mud road abutting the southern street of Vellur Village in No.206, Vellur Village, Melaparuthikudi Post, Kattumannarkoil Taluk, Cuddalore District, based on the old Field Map of the year 1920.

For the Petitioner : Mr.T.Easwara Dhas

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 & 2

ORDER

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

The petitioner has come up with this writ petition seeking a direction to the respondents to remove the encroachments in water ways and public paths in S.Nos.74, 75, 77, 78, 79, 80, 81, 82 and 36 and also in water drainage canal on the western side of PWD mud road abutting southern street of Vellur Village in No.206, Vellur Village, by conducting enquiry based on her representations dated 09.01.2021 and 09.08.2021.



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2. According to the petitioner, because of the encroachment made by the respondents 3 and 4, surplus water from the agricultural land could not be drained into canal resulting in stagnation of water in the field. Hence, the petitioner has made several representations to the official respondents and finally, on 09.01.2021 and 09.08.2021. As it did not evoke any response, the petitioner has come up with this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader, takes notice for the respondents 1 and 2 and seeks sufficient time to conduct survey to find out whether there is any encroachment and to remove the encroachment, if any.

4. In view of the above, the writ petition is disposed of, directing the second respondent to conduct survey on the basis of the revenue records and to find out whether there is any encroachment as alleged by the petitioner. No notice for survey shall be issued to the alleged encroachers, since learned State Government Pleader submitted that the alleged encroachers would



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take steps to stall the process of removal of encroachment. After conducting survey, if any encroachment is found by the second respondent, the first respondent shall, after issuing notice to the encroachers, shall remove the same. The above exercise shall be completed within a period of six weeks 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.)
03.01.2023

Index : Yes/No

kpl

To:

1. The District Collector
Collectorate Office of Cuddalore
Cuddalore District
Cuddalore.
2. The Tahsildar
Office of Kattumannarkoil Taluk
Kattumannarkoil
Cuddalore District.



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T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

(kpl)

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