



W.P.No.419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Sundramoorthi

.. Petitioner

Vs

- 1.The District Collector,
District Collectorate Office,
Chengalpattu District.
- 2.The Assistant Director,
Land Survey Records Department,
Chengalpattu.
- 3.The Tashildhar,
Thirukazhukundram Taluk,
Kancheeuram District.
- 4.The Executive Engineer,
Public Works Department,
Kancheepuram District.
- 5.The Assistant Engineer,
Public Works Department
Thirukazhukundram Taluk,
Chengalpattu District-603 109.



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6.Balaraman
7.Kuppusamy
8.Shankar
9.Palani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to remove the encroachment made by respondents 6 to 9 in canal comprised in S.No.50/6, Muththigainallan Kupparam Village, Thirukazhukundram Town Panchayat, Thirukazhukundram Panchayat, Thirukazhukundram Taluk, Kancheepuram District and restore the canal by considering the written representations of the petitioner dated 6.11.2020, 14.12.2021, 23.5.2022 and 12.9.2022.

For the Petitioner : Mr.M.Ganesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 5

ORDER

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

Sundramoorthi, son of Vengunaicker, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 5 to remove the encroachment made by respondents 6 to 9 in canal comprised in S.No.50/6, Muththigainallan Kupparam Village, Thirukazhukundram Town Panchayat, Thirukazhukundram Panchayat, Thirukazhukundram Taluk,



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Kancheepuram District and restore the canal by considering the written representations of the petitioner dated 6.11.2020, 14.12.2021, 23.5.2022 and 12.9.2022.

2. Mr.M.Ganesan, learned counsel appearing for the petitioner, would submit that respondents 6 to 9, who are owners of the lands on the northern side of the canal, had gradually filled the canal with soil and encroached upon the canal and are carrying on cultivation thereon. It is further submitted that respondents 6 to 9 had created an artificial channel into the land belonging to the petitioner and by virtue of the same the petitioner's agricultural land is filled with soil and slush, causing immense loss and hardship to him. The petitioner sent representations on 6.11.2020, 14.12.2021, 23.5.2022 and 12.9.2022 requesting the respondent authorities to remove the encroachment made by respondents 6 to 9. As the said representations did not evoke any response, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 5, produced before this court



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the written instructions received by him on 7.1.2023 and submitted that the fourth respondent may be granted six weeks' time to consider the representations of the petitioner and take appropriate action in accordance with law.

4. In view of the aforesaid submission made by learned State Government Pleader, this writ petition is disposed of with a direction to the fourth respondent to consider the representations of the petitioner and take appropriate action in accordance with law 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.)
09.01.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To

WEB COPY

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

(sasi)

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