



WEB COPY



W.P.No.33728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

Writ Petition No.33728 of 2023

N.Gunasekaran

.. Petitioner

Versus

1. The Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Tiruvannamalai.
3. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.
4. The Block Development Officer,
Thurinjapuram,
Tiruvannamalai Taluk,
Tiruvannamalai District.
5. Pandurangan
6. Stalin
7. Loganathan
8. Hari
9. Saravanan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 9 on the Government Tharisu land in S.No.199/4 to the extent of 0.31.5 Ares (76 cents) and Odai land between S.Nos.199/4 and 199/1 situated in Palananthal Village, Thiruvannamalai Taluk and District and retain the same in its original position based on petitioner's representation dated 29.06.2021, 09.07.2022 and 21.09.2022.



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Odai situated in between S.Nos.199/4 and 199/1 and same has also been encroached by the respondents 5 to 9, thereby affecting the movement of Odai water resulting in stagnation of water in the petitioner's agricultural land. In view of the above illegalities by the respondents 5 to 9, the petitioner is not able to enter into his land to carry out agricultural operations. With this background, the petitioner made a representation to the Chief Minister Grievance Cell on 29.06.2021 which was forwarded to the first respondent for removal of encroachment from Government land, but the same has evoked no response, which compelled the petitioner to send further representations dated 09.07.2022 and 21.09.2022 to the third respondent and the second respondent respectively, for removal of encroachment, but the same are kept pending without any consideration till date. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that pointing out the encroachment made by the respondents 5 to 9, the petitioner has made a representation to the official respondents requesting to take action for removal of the same, however, there is no progress in this regard. Therefore, the learned counsel prayed this Court to issue appropriate direction to the respondent authorities by considering the petitioner's representations dated 29.06.2021, 09.07.2022 and 21.09.2022.



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4. On the other hand, the learned Government Pleader appearing for the respondents 1 to 4 submitted that the respondent authorities would consider the representations of the petitioner and pass appropriate orders on merits, within a time frame to be stipulated by this Court.

5. Considering the limited nature of the relief sought herein, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the petitioner's representation dated 21.09.2022, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, respondents 5 to 9 as well as any other interested 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 in the Government land / water body, as alleged by the petitioner, the same shall be removed, after following due process of law.

6. Accordingly, this writ petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
30.11.2023

Index : Yes / No
Internet : Yes / No
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