



W.P.No.4591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 26.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.4591 of 2024

Thanasekaran

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Secretary to Government
Revenue Department
Fort St. George, Chennai 600 019

2.The District Collector
Salem

3.The Block Development Officer
Magudanchavadi Panchayat Union
Salem District

4.The Tahsildar
Sankari Taluk
Salem District

5.The President
Magudanchavadi Panchayat
Sankari Taluk
Salem District



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6.Rajendran

7.Vijaya

8.M/s.Prime City Ventures Pvt. Ltd.

Royal Towers

Door No.86/19, Sankari Road

Seetharamapalayam

Tiruchengode, Namakkal 637 209

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 5 to take appropriate action for the removal of the encroachments in the government lands in survey No.246/1 of Ernapuram Village by the respondents 6 to 8 and to protect and preserve the Ponniyathu Odai leading to the irrigation lake in survey No.240 of Ernapuram Village.

For Petitioner : Mr.T.Sai Krishnan
For R1, R2 & R4 : Mr.T.K.Saravanan
Government Advocate
For R3 : Mr.P.Harish
Government Advocate

ORDER

(Order of the court was made by R. MAHADEVAN, J.)

Mr.T.K.Saravanan, learned Government Advocate, takes notice for the respondents 1, 2 and 4 and Mr.P.Harish, learned Government Advocate, takes notice for the 3rd respondent.



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2.It is the case of the petitioner that he is the resident of Ernapuram village and he is running a small power loom in his village. The respondents 6 and 7 along with the 8th respondent developed their nanjai lands in S.Nos.246/2A and 246/2B at Ernapuram village as house plots, by encroaching the land by dumping stones and laying concrete pipes closing the stream water pathway at S.No.246/1 at Ernapuram village, which is a water canal viz., ponniyathu odai. Apprehending that the activities of these respondents will completely affect the water sources and cause serious prejudice to the cultivation in the entire area, the petitioner submitted a representation dated 24.10.2023, requesting the respondent authorities to take appropriate action for removal of the encroachments in the said lands. However, the respondent authorities did not take any action on the same, till date. Therefore, the petitioner has preferred this writ petition for a mandamus seeking a direction to the respondent authorities in this regard.

3.The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the official respondents to consider the petitioner's representation and take steps to remove the encroachments in the subject lands within a time frame to be stipulated by this court.



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4. There is no serious objection on the side of the respondent authorities for granting such relief to the petitioner.

5. In view of the above, this court, without going into the merits of the case, directs the respondent authorities to consider the representation of the petitioner dated 24.10.2023 and pass appropriate orders on merits and in accordance with law, after providing an opportunity to the petitioner as well as the respondents 6 to 8 and any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

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

26.02.2024

Neutral Citation : Yes/No
gya

To

1. The Secretary to Government
Revenue Department
Fort St. George, Chennai 600 019

2. The District Collector
Salem



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3.The Block Development Officer
Magudanchavadi Panchayat Union
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4.The Tahsildar
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