



WEB COPY



W.P.No.7793 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7793 of 2024

G.Ayyanar

.... Petitioner

Vs

- 1.The Commissionerate of Survey
and Settlement Tahsildar,
Ponneri, Thiruvallur District.
- 2.The Executive Engineer,
Public Works Department,
Gosasthalayar Basin Division WRO,
Thiruvallur.
- 3.The Special Tahsildar,
Chennai Water Canal Scheme,
Land Acquisition,
Ambattur,
Chennai – 600 050.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to put up the straight conduit further 25 meters away from petitioner's land since there is no construction as well as the canal area belonged to the 2nd respondent based on the petitioner's representation dated 18.01.2024.



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For Petitioner : Mr.R.Karunakaran
For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

Mr.M.R.Gokul Krishnan, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to be the owner of a plot bearing No.156 in S.S.Baba Nagar Layout in S.No.56/2 and 59 at No.13, Vadakarai Village, Madhavaram Taluk, Thiruvallur District. He states that after purchase, a request was made to a Special Tahsildar, Chennai Water Canal Scheme/R2 to measure and mark the boundaries of the plot which abuts the canal bund, for which necessary charges were also paid.

3. While so and the petitioner proposes to carry out some developmental works, R2, ie., the Executive Engineer of the Public Works Department has constructed a conduit controlling the flow of excess water which stands in the way of ingress and egress to the property in question.

4. Prejudiced with the same, the petitioner has approached this Court seeking mandamus directing the respondents to shift the conduit to ensure unhindered possession of his property.



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5. Mr.Gokul Krishnan, learned Additional Government Pleader for

the respondents, on instructions, states that inspection of the land would have to be carried out in order to mark the boundaries of the property and any request of the petitioner could be considered only thereafter.

6. In fact, the petitioner has made a representation before the respondents on 18.01.2024. However, no acknowledgement of receipt has been placed on file and Mr.Gokul Krishnan does not have any instructions to confirm receipt of the same.

7. For this reason, the petitioner is permitted to approach R3 by way of a fresh representation seeking the relief sought for in this Writ Petition. Upon receipt of the representation, R3, in conjunction with R1 and R2 will carry out necessary inspection, mark the boundaries and thereafter dispose the representation in accordance with law, after hearing the petitioner as well as any others, who may thought necessary for proper adjudication of the representation, expeditiously.

8. This Writ Petition is disposed in the aforesaid terms. No costs.

25.03.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
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Dr.ANITA SUMANTH,J.

Sl

To

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