



WEB COPY



W.P.No.11094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.11094 of 2024

N.Jayam

... Petitioner

-VS-

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
Erumapatti Union,
Namakkal District.
3. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
4. The Panchayat President,
Reddipatty Village Panchayat,
Senthamangalam Taluk,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to remove encroachments and overhead water tank in Public Passage / Street and water way comprised in S.No.338/8, 339/3 and 219/6 situated at Reddipatty Village, Senthamangalam Taluk, Namakkal District by considering the representations dated 22.09.2023 and 25.09.2023 of the petitioner.



W.P.No.111 of 2023

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.K.Karthik Jagannath
Govt. Advocate

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the respondents to remove encroachments and overhead water tank in Public Passage / Street and water way comprised in S.No.338/8, 339/3 and 219/6 situated at Reddipatty Village, Senthamangalam Taluk, Namakkal District by considering the representations dated 22.09.2023 and 25.09.2023 of the petitioner.

2. It is the case of the petitioner that the excess rain water and drainage water from the Pond in S.No.202/2 would reach the lake in S.No.190/2 and since there was a block in the water way and the respondents were also constructing an Overhead Water Tank in S.No.338/8, the water gets stagnated in the land of the petitioner in S.No.219/7. Though the petitioner made several representations, the last one of which, was dated 25.09.2023, requesting to stop the construction of overhead tank, there was no positive reply from the respondents. Hence, the petitioner is before this Court.

3. Learned State Government Pleader appearing for the respondents, on instructions, stated that the Survey Numbers of the respective properties are classified as

Survey Number	Classification
338/8	Street
339/3	Natham Land
219/6	Cart Track
219/7	Water Pond/Well

He further stated that S.No.219/7 does not belong to any pattadars, as averred by the petitioner, as it is a Government land.

4. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner prayed for removal of encroachment made in the public passage, this Court, without expressing any opinion on the merits of the matter, directs the 3rd respondent / Tahsildar to consider the representation dated 25.09.2023 of the petitioner and pass appropriate orders thereon on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any.

HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
ar

6. With the above direction, this Writ Petition is disposed of. No costs.



W.P.No.11094 of 2024

[D.K.K.,ACJ.]

[P.B.B,J.]

22.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
Erumapatti Union,
Namakkal District.
3. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
4. The Panchayat President,
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