



WEB COPY



W.P.No.13788 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

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

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.13788 of 2024

D.Rajamanikkam

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector,
Cuddalore District.
3. The District Revenue Officer,
Cuddalore District.
4. The Revenue Divisional Officer,
Cuddalore District.
5. The Tahsildar,
Veppur Taluk, Cuddalore District.
6. The Block Development Officer,
Kachimailur, Mangalur Post,
Veppur Taluk, Cuddalore District.
7. The Village Administrative Officer,
Kachimailur, Mangalur Post,
Veppur Taluk, Cuddalore District.



W.P.No.13 of 2024

8. The President,
Kachimailur, Vinayaganathal Village Panchayat,
Veppur Taluk, Cuddalore District-606 108.

WEB COPY

9. K.Chinnadurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 to 8 herein to consider the petitioner's representation dated 23.01.2024 and consequently, direct them to remove the encroachment made by the 9th respondent in the water body situated in S.No.46 in Kachimailur Village, Vinayaganathal Post, Veppur Taluk, Cuddalore District and enforce the same.

For Petitioner : Mr.P.Dinesh Kumar
For Mr.D.Baskar

For R1 to 5,7 & 8 : Mr.Edwin Prabhakar
State Government Pleader

For R6 : Mr.M.Habeeb Rahman

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the Respondents 1 to 8 herein to consider the petitioner's representation dated 23.01.2024 and consequently, direct them to remove the encroachment made by the 9th respondent in the water body situated in S.No.46 in Kachimailur Village, Vinayaganathal Post, Veppur Taluk, Cuddalore District and enforce the same.



W.P.No.13 of 2023

WEB COPY

2. Mr.Edwin Prabhakar, learned State Government Pleader takes notice for R1 to R5, R7 and R8. Mr.M.Habeeb Rahman, learned counsel takes notice for R6. Notice to R9 is dispensed with, as no adverse order is passed against R9. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that the property in question in S.No.46 in Kachimailur Village, Vinayaganathal Post, Veppur Taluk, Cuddalore District to the extent of 23 acres is classified as “Vadakkala Vari Odai”, which is the main water resource to the above said village. It is further case of the petitioner that the 9th respondent had put up a thatched shed and been maintaining the cattle over the subject matter of the water body. It is the grievance of the petitioner that though a representation dated 01.11.2023 had been given to preserve the water body, no action has been taken so far. Hence, the petitioner is before this Court.

4. Learned State Government Pleader appearing for R1 to R5, R7 and R8 represented that the said representation of the petitioner will be considered and necessary action will be taken after providing an opportunity of hearing to the parties concerned.



W.P.No.13 of 2024

5. It is pertinent to mention here that once a representation is received by the respondents, it is the bounden duty of the respondents to act upon it immediately without sleeping over it endlessly, as the issue involves preservation of water body, which is the basic need for life.

6. Considering the limited scope of the prayer sought in this Writ Petition, ***the Writ Petition is disposed of*** with a direction to the 5th Respondent / Tahsildar to consider the representation dated 01.11.2023 of the petitioner, which was forwarded by the 6th Respondent and after affording an opportunity of hearing to the parties concerned, take a decision 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.

7. At this juncture, it is brought to the notice of this Court that the petitioner himself is an encroacher of the property. In such view of the matter, the petitioner has to vacate the premises immediately, failing which, it is open to the 5th respondent to evict him from the place in question without any further notice. No costs.

[D.K.K.,ACJ.]

[K.B.,J.]

23.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

ar



W.P.No.13 of 2021

WEB COPY

To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector,
Cuddalore District.
3. The District Revenue Officer,
Cuddalore District.
4. The Revenue Divisional Officer,
Cuddalore District.
5. The Tahsildar,
Veppur Taluk, Cuddalore District.
6. The Block Development Officer,
Kachimailur, Mangalur Post,
Veppur Taluk, Cuddalore District.
7. The Village Administrative Officer,
Kachimailur, Mangalur Post,
Veppur Taluk, Cuddalore District.
8. The President,
Kachimailur, Vinayaganathal Village Panchayat,
Veppur Taluk, Cuddalore District-606 108.



WEB COPY



W.P.No.13788 of 2024

D.KRISHNAKUMAR,ACJ.,
AND
K.KUMARESH BABU,J.,
ar

W.P.No.13788 of 2024

23.07.2024