



W.P.No.13130 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
and

THE HONOURABLE MRS.JUSTICE **R.KALAIMATHI**

W.P.No.13130 of 2024

C.Annadurai

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Public Works Department,
Fort St. George, Secretariat, Chennai-09.

2.The District Collector,
Kallakurichi District.

3.The Revenue Divisional Officer,
Kallakurichi, Kallakurichi District.

4.The Thasildhar,
Chinnasalem Taluk, Kallakurichi District.

5.The Block Development Officer,
Chinnasalem Taluk, Kallakurichi District.

6.Loganathan,
The Panchayat President,
Eliyathur Village, Chinnasalem Taluk,
Kallakurichi District.

7.Jayaraman
8.Palani

..Respondents

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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st to 5th respondents to consider the petitioner's representation letter dated 24.04.2024 and further directing 1st to 5th respondents to remove the stream (water body) encroachment in Survey No.87/1, Eliyathur villae, Chinnasalem Taluk, Kallakurichi District in accordance with law.

For Petitioner : Mr.S.Ramajayam

For Respondents : Mr.M.Muthusamy,
Govt. Advocate for R1, R5 and R6
Mr.A.Selvendran,
Spl. Govt. Pleader
for R2 to R4

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA,J.]

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for the issuance of a writ of mandamus to direct the official respondents/respondents 1 to 5 to consider the petitioner's representation dated 24.04.2024 and for a consequential direction to remove the encroachment on the stream



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(water body) in Survey No.87/1, Eliyathur village, Chinnasalem Taluk, Kallakurichi District in accordance with law.

3. The case of the petitioner is that he is cultivating crops in his agricultural land in Eliyathur Village, Chinnasalem Taluk for several decades and a stream, which is running adjacent to his land is being used by several families for agriculture. While so, the 6th respondent issued a notice dated 08.12.2023 under Section 6 of The Tamil Nadu Land Encroachment Act, 1905 and the same was put to challenge in W.P.No.6334 of 2024 and vide order dated 12.03.2024, the impugned notice was quashed. Since respondents 6 to 8 are attempting to encroach the stream in S.No.87/1, the petitioner made a representation dated 24.04.2024 to the official respondents and filed this writ petition for a direction to consider the said representation and to remove the encroachment on the stream.

4. Heard Mr.S.Ramajayam, learned counsel for the petitioner. Mr.M.Muthusamy, learned Government Advocate accepts notice for respondents 1, 5 and 6 and Mr.A.Selvendran, learned Special Government Pleader accepts notice for respondents 2 to 4.



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5. Mr.A.Selvendran, learned Special Government Pleader submits that the fourth respondent/Thasildar is the competent authority to consider the representation of the petitioner.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the fourth respondent to consider the petitioner's representation dated 24.04.2024 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of.
No costs.

(A.D.J.C.,J.) (R.K.M.,J.)
08.05.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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- 3.The Revenue Divisional Officer,
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- 4.The Thasildhar,
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- 5.The Block Development Officer,
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**A.D.JAGADISH CHANDIRA, J.,
and
R.KALAIMATHI,J.**

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