



WEB COPY



W.P.No.19701 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.19701 of 2024

M.Rangasamy

... Petitioner

-VS-

1. The District Collector,
Erode District.
2. The District Revenue Officer,
Erode District.
3. The Revenue Divisional Officer,
Erode District.
4. The Tahsildar,
Erode District.
5. The Village Administrative Officer,
Periyasemur Village, Erode Taluk,
Erode District.
6. P.Thangarasu
7. S.M.Sahul
8. R.Rathna
9. S.Gowri
10. Rosamma

... 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 5 to remove the encroachments



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made by the Respondents 6 to 10 in the water course body, namely, Kanirawther Tank in Survey Nos.170/3, 170/5 and T.S.No.33, Periyasemur Village, Erode Taluk, Erode District, by considering and passing necessary orders based on the representation of the petitioner dated 12.04.2024.

For Petitioner : Mr.K.Selvaraj

For R1 to R5 : Mr.K.Karthik Jagannath
Government Advocate

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the Respondents 1 to 5 to remove the encroachments made by the Respondents 6 to 10 in the water course body, namely, Kanirawther Tank in Survey Nos.170/3, 170/5 and T.S.No.33, Periyasemur Village, Erode Taluk, Erode District, by considering and passing necessary orders based on the representation of the petitioner dated 12.04.2024.

2. Mr.K.Karthik Jagannath, learned Government Advocate takes notice for R1 to R5. Notice to R6 to R10 is dispensed with, as no adverse order is passed against them. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. It is the case of the petitioner that he is an agriculturalist and he had given a representation dated 22.04.2022 to R1 to R4, followed by another representation dated 12.04.2024, alleging that the private respondents herein have encroached the water body in S.No.170/3, 170/ and T.S.No.33, on account of which, rain water could not be stored in the water body. It is the grievance of the petitioner that 3rd respondent, vide proceedings dated 10.04.2024, had directed the 4th Respondent to take necessary action, who, in turn instructed the Survey Officials on 19.06.2024 to inspect the Tank and submit necessary details of the encroachments. Thereafter, there was no progress for removal of the encroachment made by the private respondents. Hence, the petitioner is before this Court.

4. Learned Government Advocate appearing for R1 to R5, as per instructions dated 22.07.2024 received from the Tahsildar, stated that the Surveyor and other Revenue Officials have proposed to inspect the subject matter of the property on 26.07.2024 so as to ascertain as to whether there is any encroachment on the land. If any encroachment is found, necessary action will be taken by following due procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905.



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D.KRISHNAKUMAR,ACJ.,
AND
K.KUMARESH BABU,J.,
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5. Recording the statement made by the learned Government Advocate, this Writ Petition is disposed of. It is made clear that in case of any encroachment as averred by the petitioner, the Officials Respondents have to take steps to remove the same as per the Act, after hearing the parties concerned, within a period of four months from the date of receipt of a copy of this order, failing which, disciplinary action will be taken against them for dereliction of their duties. No costs.

[D.K.K.,ACJ.] [K.B.,J.]
23.07.2024

Index: Yes / No
Speaking Order/Non Speaking Order
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To:

1. The District Collector,
Erode District.
2. The District Revenue Officer,
Erode District.
3. The Revenue Divisional Officer,
Erode District.
4. The Tahsildar,
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