



WP No.27454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

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

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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S.Bakkiyam

... Petitioner

versus

- 1.The District Collector,
Kallakurichi District
- 2.The Tahsildar,
Kallakurichi Taluk & District
- 3.The Block Development Officer,
Chinna Salem Taluk,
Chinna Salem, Kallakurichi
- 4.The Assistant Director,
Town & Country Planning,
Kallakurichi District
- 5.The Panchayat President,
Namasivayapuram Panchayat,
Kallakurichi Taluk & District



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6.S.Gopinath

...Respondents

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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 23.06.2023 and to remove the encroachments made by the 6th respondent in the Eri Vaikkal (water course) situated abutting S.Nos.18, 21/2A1, 21/2A2 and other survey numbers and also in the petitioner's private water channel in S.No.21/1, Namasivayapuram Village, Kallakurichi Taluk & District, and pass appropriate orders thereon on merits and in accordance with law.

For the Petitioner

:Mr.P.Jagadeesan

For Respondents 1 to 5

:Mr.T.K.Saravanan
Government Advocate

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition is filed for a direction to the first respondent to consider the petitioner's representation dated 23.06.2023 and to remove the encroachments made by the 6th respondent in the Eri Vaikkal (water course) situated abutting S.Nos.18, 21/2A1, 21/2A2 and other survey numbers and also in the petitioner's private water channel in S.No.21/1, Namasivayapuram Village, Kallakurichi Taluk & District, and pass appropriate orders thereon on merits and in accordance with law.



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2. The petitioner has made representation dated 23.06.2023 to the first respondent seeking to remove the encroachments made by the 6th respondent in the Eri Vaikkal (water course) situated abutting S.Nos.18, 21/2A1, 21/2A2 and other survey numbers and also in the petitioner's private water channel in S.No.21/1, Namasivayapuram Village, Kallakurichi Taluk & District. So far no action has been taken. Hence the petitioner has filed the present writ petition.

3. Considering the submissions made by the the learned counsel for the petitioner that the representation dated 23.06.2023 of the petitioner has been forwarded by the District Collector to the Tahsildar, wihhout going into the merits of the case, this Court is inclined to direct the second respondent Tahsildar to consider the representation dated 23.06.2023, on merits and in accordance with law and pass orders, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to the parties concerned.



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4. It is needless to say that the petitioner shall submit a copy the said representation to the Tahsildar immediately after receiving the copy of this order.

5. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
23.09.2024

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

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Chinna Salem, Kallakurichi
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THE HON'BLE ACTING CHIEF JUSTICE

and

P.B. BALAJI, J.

(mrn)

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