



WEB COPY

W.P.No.34038 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

W.P. No.34038 of 2019

Kuzhanthai Yesu S/o. Masilamani

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Villupuam District.

2. The Tahsildar,
Sankarapuram, Villupuram District.

3. The Block Development Officer,
Sankarapuram, Villupuram District.

4. Mohan S/o. Sadaiyapillai
5. Samynathan S/o. Anthonigounder
6. Santhanam S/o. Savarimuthu

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents particularly the 1st and 3rd respondents to remove the encroachment or blockage of Water Channel or Canal in S.No.126/4A, Sozhampattu, Sankarapuram Taluk,



Villupuram District.

For Petitioner : Mr. Abdul Kareem for
Mr. G. Mohammed Aseef

For Respondents : Mr. A. Selvendran
Special Government Pleader
[for R1 to R3]

No appearance [for R4 to R6]

ORDER

[Order of the Court was made by S.M. Subramaniam,J.]

The relief sought for in this Writ petition is to direct the respondents particularly 1st and 3rd to remove the encroachments or blockage of Water Channel or Canal in S.No.126/4A, Sozhampattu, Sankarapuram Taluk, Villupuram District.

2. The learned Government Pleader on instructions made a submission that a survey conducted by the competent authorities revealed that there are encroachments blocking the Water Channel or Canal in Survey No.126/4A, Sozhampattu, Sankarapuram Taluk, Villupuram District. Since the authorities identified the encroachments and such encroachments are blocking free flow of water from the Channel or Canal, it



became imminent to remove all such encroachments for the benefit of the people of that locality to get free flow of water for irrigation. The Water Canals ought to be maintained all round the year and the encroachments, at no circumstances, be permitted by the authorities. Even during the summer seasons, if the Canal become dry, the Channels are ought to be maintained by providing adequate protection or by conducting periodical inspections and supervisions. The District level Committee, constituted by the Government to monitor the encroachments, must ensure that the encroachments in water bodies are removed and water resources are protected as directed by the Hon'ble Apex Court and the High Court. In the present case, the authorities have identified the encroachments blocking the Water Channel or Canal.

3. Therefore the respondents are directed to remove all such encroachments, by following the procedures as contemplated under the Statutes and rules in force by issuing a notice and by affording opportunity to the encroachers, within a period of **4 (four) weeks from the date of receipt of copy of this order.**



4. With the above directions, this Writ petition stands allowed. There shall be no order as to costs.

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(S.M.S.J) and (K.R.S.J)

14.02.2024

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

mjs

To

1. The District Collector,
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Villupuram District.

2. The Tahsildar,
Sankarapuram, Villupuram District.

3. The Block Development Officer,
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S.M.SUBRAMANIAM, J.
and
K. RAJASEKAR, J.

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