



W.P.No.1919 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

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1. AV.Periyannan
S/o.Varadhappa Gounder

2. P.Sathiyaraj
S/o.AV.Periyannan

... Petitioners

vs.

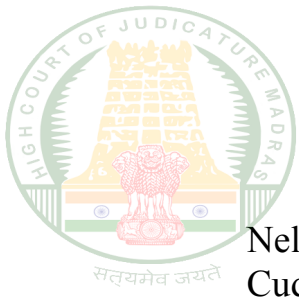
1. The District Collector
Collectorate
Kallakuruchi District – 606 202

2. The Revenue Divisional Officer
Collectorate
Kallakuruchi District – 606 202

3. The Tahsildar
Chinnasalem Taluk
Salem Main Road, Chinnasalem
Kallakuruchi – 606 201

4. The Superintending Engineer
Water Resource Department
Vellar Basin Circle
No.60, PWD Campus

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Nellikuppam Road, Manjakuppam
Cuddalore – 607 001

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5. The Assistant Engineer (PWD-WRO)

PWD Quarters

Vellar Basin Sub-Division Office Campus

Kachirayapalayam Road

Kallakurichi – 606 213

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to remove the encroachment in the Government Poromboke land (water channel-odai) situated in Survey No.826/15 situated in Chinnaasalem, Kallakurichi District as stated in the communication dated 26.02.2001 by the Chief Minister's Special Cell as expeditiously as possible and restore the water body to its original position.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition is filed with a mandamus prayer directing the respondents to remove the encroachment in the Government poramboke land (water channel-odai) situate in Survey No.826/15, Chinnaasalem, Kallakurichi District.

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2. It is stated by the writ petitioners that though a reply was received by the writ petitioners from the Chief Minister's Cell that appropriate action would be taken to remove the encroachment, so far no action has been taken. Hence, the writ petitioners have filed the above writ petition for a direction to the respondents to remove the alleged encroachment in the said land.

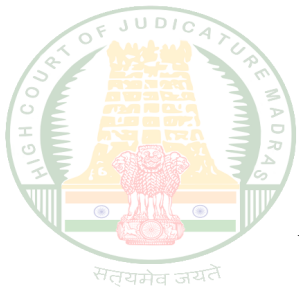
3. Issue notice to the respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents.

5. The learned State counsel, on instructions, submits that the subject land was originally classified as Odai poramboke and thereafter, during the 'UDR scheme' ['Updating Registry Scheme'], the same has been wrongly classified as 'தரிசு நிலம்' and now the enquiry is underway before District Revenue Officer for correcting the classification.

6. In view of the above stated position of the learned State counsel, we pass the following order:

- (i) The appropriate authority shall conduct enquiry with regard to classification of the said land within a period of four



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weeks from today i.e., on or before 10.04.2025 and thereafter, conduct survey in the said land within a period of two weeks thereafter i.e., on or before 24.04.2025;

(ii) If any encroachment is found in the said land, the appropriate authority shall take necessary action to remove the alleged encroachment in the said land under 'The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007' (hereinafter 'Tanks Act' for the sake of convenience and clarity) or any other appropriate Statute after show-causing the alleged encroachers and if any representation is received from the alleged encroachers, the same shall be considered before passing any final orders.

This writ petition is disposed of with the above directions. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

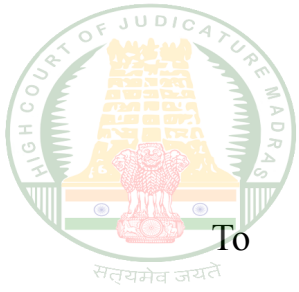
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Neutral Citation : Yes/No

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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