

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10907 of 2011

Dr.S.Ramesh Dhanapal @ S.R.Ramesh

... Petitioner

-vs-

1. The District Collector,
Vellore District, Vellore.
2. The Revenue Divisional Officer,
Ranipet, Vellore District.
3. Govinda Naidu
4. G.Kanniah Naidu
5. G.Adhikesavan @ Adhikesavalu Naidu
(RR3 to 5 impleaded as per order dt.
29.06.2011 in M.P.No.1 of 2011)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to remove the encroachers in S.Nos.466/4, 466/5, 467, 469 and 470 of Moothur Village, Arakkonam Taluk, Vellore District from the land grabbers who have cordoned off the same.

For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.V.R.Kamalanathan
Addl. Govt. Pleader for RR 1 and 2

: No appearance for RR 3 to 5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The allegation of the petitioner of encroachment is even borne out from the status report filed on behalf of the respondents, who state that they have commenced appropriate action. This report is of 2011 and one would have expected that by now that chapter would have been closed and encroachments removed. But, learned counsel for the petitioner has no information as on date.

2.The surprising part is that in para 5, it is averred as under:

'5. ... we are taking all necessary steps as per law to remove encroachments as and when the same is brought to our notice by the department or hte public. On coming to know about the said encroachment, survey was made and the area encroached was identified since the encroachments are water spread area we immediately sent the Forms - I & II as per the stipulated procedures under the Waterbodies Act to the Assistant Executive Engineer, Public Works Department of that jurisdiction by Proceedings C6/6985/2011 dated 14.06.2011 in charge of that area to take further action and to remove the encroachment. Now Form-III has to be issued by the Assistant Executive Engineer, Public Works Department, for removal of encroachment.'

3.We are surprised to note the stand of the respondents as if some other person has to bring to their notice when an encroachment occurs, completely absolving themselves of the responsibility of monitoring the area under jurisdiction to ensure that there is no encroachment. We may emphasize that it is the bounden duty of the respondents to take care of the Government land and prevent any unauthorised encroachment, for which information or assistance from the petitioner is not required.

4.As far as the allegation in para 6 is concerned that the petitioner has also encroached certain areas in some other survey numbers, which is actually a rural highway, nothing prevents the respondents from taking action in accordance with law, if such encroachment has been made.

5.We, thus, direct the respondents to proceed in accordance with law and complete the exercise within a maximum period of two (2) months of the receipt of this order.

6.Writ Petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

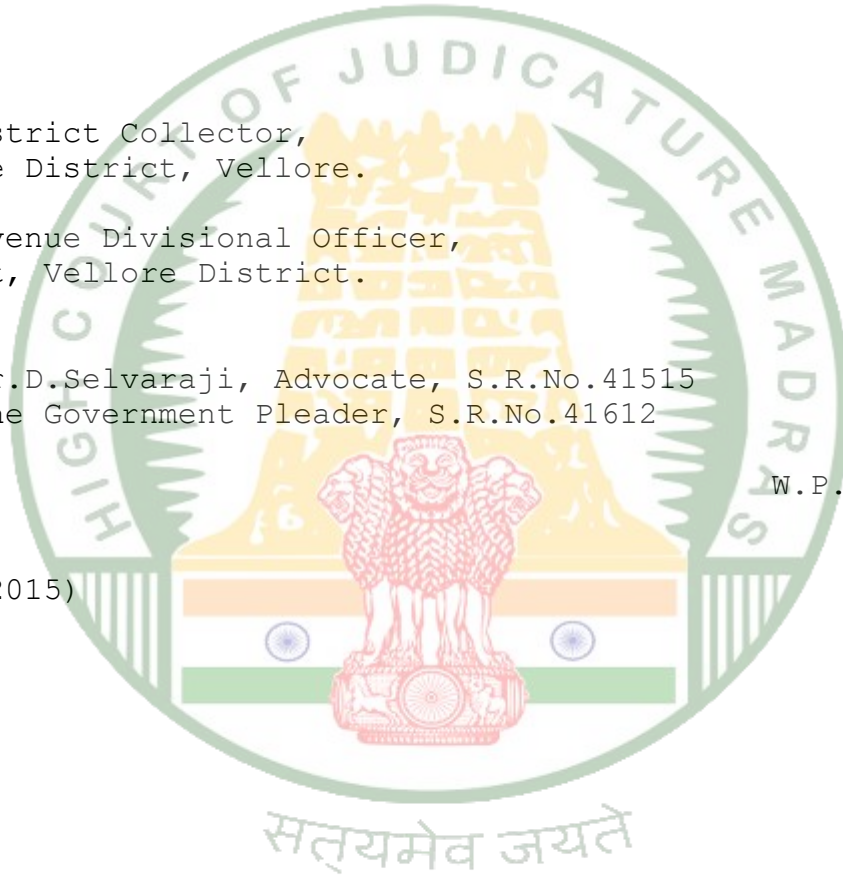
To

1. The District Collector,
Vellore District, Vellore.
2. The Revenue Divisional Officer,
Ranipet, Vellore District.

+lcc to Mr.D.Selvaraji, Advocate, S.R.No.41515
+lcc to the Government Pleader, S.R.No.41612

W.P.No.10907 of 2011

TS(CO)
CA(25/08/2015)



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