

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.04.2015

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice R.MALA

W.P.No.10612 of 2015
and M.P.Nos.1 and 2 of 2015

C.Anantharama Krishnan .. Petitioner

-vs-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Project Officer,
District Rural Development
O/o.District Collector, Kancheepuram.
- 3.The Additional Director of Panchayat,
Mathuranthagam.
- 4.The Block Development Officer
(Village & Panchayat),
Lathur Panchayat of Union,
Pavinjur, Cheyyur Taluk,
Kancheepuram District.
- 5.The President,
Kodur Village Panchayat,
Kodur Village & Post,
Cheyyur Taluk & Kancheepuram District.
- 6.The Secretary,
Kodur Village Panchayat,
Kodur Village & Post,
Cheyyur Taluk, Kancheepuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of writ of Mandamus to forbear the respondents from putting up any construction particularly service centre for MGNREG (Mahathma Gandhi National Rural Employment Guarantee) Scheme in the tank bund of Agatheeswarar Temple tank and direct the respondents to remove the encroachments comprised in Survey No.259/6 of Kodur Village, Cheyyur Taluk, Kancheepuram District.

For Petitioner : Mr.M.Muthuppan
For Respondents : Mr.S.T.S.Moorthy,
Government Pleader
* * * * *
O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.M.Muthuppan, learned counsel appearing for the petitioner and Mr.S.T.S.Moorthy, learned Government Pleader, accepting notice on behalf of respondents.

2.This writ petition, styled as a Public Interest Litigation, has been filed praying for a Writ of Mandamus to forbear the respondents from putting up any construction particularly service centre for MGNREG (Mahathma Gandhi National Rural Employment Guarantee) Scheme in the tank bund of Agatheeswarar Temple tank and direct the respondents to remove the encroachments comprised in Survey No.259/6 of Kodur Village, Cheyyur Taluk, Kancheepuram District, which, according to the petitioner is classified as a tank bund.

3.Learned counsel for the petitioner has drawn the attention of this Court to the copy of the revenue record to show that S.No.259/6 is classified as ''Kuttai''. The petitioner submitted a representation and on receipt of the representation, a report was submitted on 19.02.2015, wherein it was stated that the land in question adjoins a water body. Subsequently, the petitioner has given another representation, pursuant to which a slightly contrary report has been submitted on 18.03.2015 by the Block Development Officer (Grama Panchayats), Elathur. In the said report, it has been stated that the proposed construction is not in a water body, but it is constructed in a temple land. Pursuant to which, the petitioner has submitted a representation on 20.03.2015 to the first respondent and the matter is now under consideration of the first respondent.

4.In the light of the two reports, which have been submitted and the revenue record, which prima facie shows that the land in question is classified as ''Kuttai'', we are of the view that the first respondent should look into the grievance of the petitioner. At this juncture, it is worthwhile to mention that the Hon'ble First Bench of this Court, in L.Krishnan vs. State of Tamil Nadu and Others, 2005 (4) CTC 1 (Mad.), had issued directions to the State of Tamil Nadu, to protect all water bodies and pursuant to which the State of Tamil Nadu has enacted a law, namely, Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007.

5. In the light of the above, there will be a direction to the first respondent to consider the petitioner's representation dated 20.03.2015, call for a report from the revenue officials and examine the matter and if it is found that the proposed construction is in a water body, then appropriate direction should be issued, so that the construction is not in a water body and if otherwise, the officials shall be entitled to proceed in accordance with law. The said exercise should be done within a period of six (6) weeks from the date of receipt of copy of this order.

6. Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 stand closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Project Officer,
District Rural Development
O/o. District Collector, Kancheepuram.
3. The Additional Director of Panchayat,
Mathuranthagam.
4. The Block Development Officer
(Village & Panchayat),
Lathur Panchayat of Union,
Pavinjur, Cheyyur Taluk,
Kancheepuram District.
5. The President,
Kodur Village Panchayat,
Kodur Village & Post,
Cheyyur Taluk & Kancheepuram District.

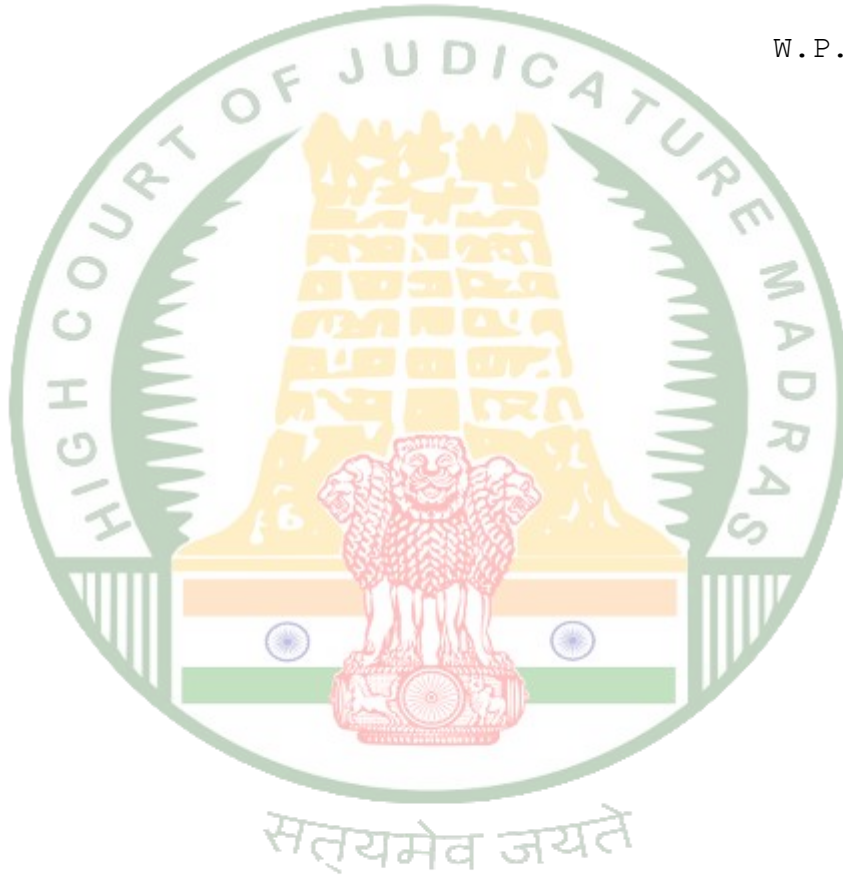
6.The Secretary,
Kodur Village Panchayat,
Kodur Village & Post,
Cheyyur Taluk, Kancheepuram District.

+1 cc to Government Pleader,SR.20261

+1 cc to M/s.M.Muthappan, Advocate,sR.20279.

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W.P.No.10612 of 2015



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