

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11606 of 2015
and
M.P.Nos.1 and 2 of 2015

J.Elumalai ... Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep. by its Secretary to the Government,
Public Works Department,
Fort St. George,
Chennai-600 009.
- 2.The Public Works Department (Irrigation),
Kezhlpalaru Lower Basin Division,
rep. by Executive Engineer,
O/o Collectorate,
Kancheepuram.
- 3.The District Collector,
Kancheepuram District.
- 4.The District Revenue Officer,
Kancheepuram District.
- 5.Kattavakkam Village Panchayat,
rep. by its President,
Kattavakkam, Thenneri post,
Kancheepuram Taluk & District.
- 6.The Block Development Officer,
Walajabad Union (Village Panchayat),
Walajabad,
Kancheepuram District.
- 7.The Sub Registrar,
O/o Sub Registrar,
Walajabad,
Kancheepuram District.

8.M/s.Orakadam City Developers Pvt. Ltd.,
(Inno Geo city)
rep. by its Director,
No.5, Giri Road, T.Nagar,
Chennai-600 017.

9.The Tahsildar,
Kancheepuram Taluk,
Kancheepuram

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 7 and 9 to initiate action against the 8th respondent and remove the encroachment made by them in the lands (water body) comprised in S.Nos.106 & 118 situated at Devariambakkam village described as Tank (Thangal) and the water Channel comprised in S.Nos.24, 30, 35/2, 3, 41, 42 and 51 and sub-divisions thereon situated at Vilagam village which are classified as Odai, Madvu, Thangal and drying yard in the public revenue records namely village field map and corresponding A-register pertains to the above survey numbers or any other government Poramboke & Revenue lands forthwith under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 or Tamil Nadu Encroachment Act and to assess the building put up by the 8th respondent in the property more particularly described in the petition schedule for fixation of property tax and to collect the same.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.STS.Moorthy
Government Pleader for R1 to 7 & 9

* * * * *

ORDER

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

The petitioner alleges encroachment over the water body. It appears that in pursuance to various representations of the petitioner, respondent No.2/Public Works Department (Irrigation), directed the Tahsildar, Kancheepuram Taluk/9th respondent to carry out a survey to find out the encroachment, if any made by respondent No.8. It is, however, alleged that there has been no action.

2. In view of the aforesaid, we call upon respondent No.2/respondent No.6, as the case may be, to take necessary action in accordance with law on the report of the Tahsildar, Kancheepuram Taluk/9th respondent, which was required to be furnished in pursuance to the letter dated 16.02.2015. This would entail notice to all concerned and a speaking order to be passed within one month from the date of receipt of the order.

3. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Secretary to the Government,
Public Works Department,
Fort St. George,
Chennai-600 009.
- 2.The Executive Engineer,
Public Works Department (Irrigation),
Kezhlpalaru Lower Basin Division,
O/o Collectorate,
Kancheepuram.
- 3.The District Collector,
Kancheepuram District.
- 4.The District Revenue Officer,
Kancheepuram District.
- 5.Kattavakkam Village Panchayat,
rep. by its President,
Kattavakkam, Thenneri post,
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- 6.The Block Development Officer,
Walajabad Union (Village Panchayat),
Walajabad,
Kancheepuram District.
- 7.The Sub Registrar,
O/o Sub Registrar,
Walajabad,
Kancheepuram District.
- 8.The Tahsildar,
Kancheepuram Taluk,
Kancheepuram

+1 cc to M/s.G.Ethirajulu, Advocate, SR.21559.

rsk(co)
krd 29/4

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