

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24..04..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.12154 of 2015

G.Padmanapan

...Petitioner

Versus

1. The Secretary to Government of Tamil Nadu
Industries Department
Fort St.George, Chennai.

2.The District Collector,
Ariyalur District.

3.The Executive Engineer
Public Works Department,
Water Resource Organisation,
Marudayaru River Basin Division,
Ariyalur District.

4.The Assistant Director (Mines),
Ariyalur District.

5.The Sub-Collector,
Ariyalur,
Ariyalur Taluk and District.

6. The Managing Director,
The Ramco Cements Limited,
(Formerly Madras Cements Ltd)
Auras Corporate Centre,
98-A, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600004.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to issuin of the order dated 06.04.2015 having reference Na.Ka.A5/201/2014 on the file of the 5th respondent and quash the same and consequently direct the

respondents 1 to 5 to restore Veerani Sri (Water Body) by removing the encroachments in the Veerani Eri (Water Body) situate in S.No.234, Periyanaagalur Revenue Village, Ariyalur Taluk and District.

For Petitioner :: Mr. E.P.Senniyangiri

For Respondents :: Mr.S.T.S.Murthy
Government Pleader for RR 1 to 5.

O R D E R

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

The petitioner claims to be an Advocate by profession and he is living in a nearby village and not even in the village where it is alleged that a water body has been encroached upon.

2. The representation of the petitioner made against the encroachment stands decided by the Memo in Na.Ka.A5/201/2014, dated 06.04.2015, which reads as under:

"Enquiry was conducted on the representation cited in the reference to remove the encroachment in S.No.234 Periyanaagalur Village, Ariyalur Taluk, Ariyalur District. Upon the enquiry it was found that, survey No.234 measuring an extent of 2.72.5 hectares was granted lease in favour of Madras Cements Company vide G.O.Ms.No.3(D) No.2 Industries (MMA II) Department dated 13.01.2003. The aforementioned company dumped soil in the said land. Therefore, as claimed by the petitioner, it cannot be treated as an encroachment. Therefore, it is hereby informed that the request of the petitioner is rejected."

3. In view of the aforesaid response, we are not inclined to maintain this Public Interest Litigation.

4. The writ petition accordingly stands dismissed. No costs. Consequently, M.P.Nos.1 and 2 are closed.

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Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ksr

To

1. The Secretary to the Government of Tamilnadu
Industries Department
Fort St.George, Chennai.

2.The District Collector,
Ariyalur District.

3.The Executive Engineer
Public Works Department,
Water Resource Organisation,
Marudayaru River Basin Division,
Ariyalur District.

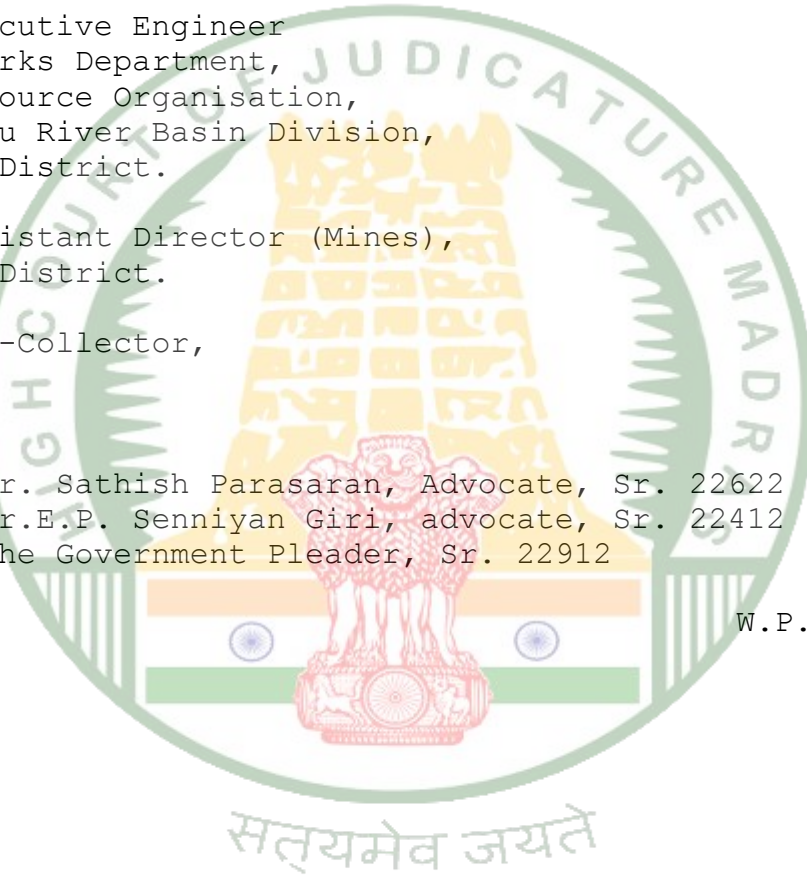
4.The Assistant Director (Mines),
Ariyalur District.

5.The Sub-Collector,
Ariyalur

1 cc to Mr. Sathish Parasaran, Advocate, Sr. 22622
1 cc to Mr.E.P. Senniyan Giri, advocate, Sr. 22412
1 cc to the Government Pleader, Sr. 22912

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CNR (CO)
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