

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 16285 of 2015

S.R. Avani

Petitioner

vs.

1 The District Collector
Villupuram District, Villupuram.

2 The Sub Collector,
Dindivanam, Villupuram District.

3 The Thasildar,
Dindivanam, Villupuram District.

4 Sumathi,
W/o.Venkadesan.

5 Venkadesan,
S/o.Subramani.

6 Avani
S/o.Subramani,
(respondents 4 to 6 are
residing at Anumanthai Post,
Dindivanam Taluk, Villupuram District)

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 6, who run the Prawn Culturing Units in 'Mangalathar Lake' and its water channels and further to direct the respondents 1 to 3 to take appropriate action against those Unauthorised Prawn Culturing Units functioning in Anumanthai Village, Dindivanam Taluk, Villupuram District and remove them.

For petitioner : Mr. B. Balavijayan

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1 to R3

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ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3, this writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6, who run the Prawn Culturing Units in 'Mangalathar Lake' and its water channels.

3. In view of the limited relief now sought by the learned counsel for the petitioner to the extent of directing the respondents 1 to 3 to consider and pass orders on the petitioner's representation, it is not necessary to issue notice to the private respondents.

4. The grievance of the petitioner is that a representation has been made by the petitioner on 18.12.2014 for removal of the encroachment made by the respondents 4 to 6 in S.No. 145, Urani Mathurava, Athikuppam Village, Dindivanam Taluk, to the Chief Minister Cell and on the basis of the said representation, a communication was sent by the second respondent/ Sub Collector Dindivanam on 27.12.2014 to the third respondent/ Tahsildar, Dindivanam, Villupuram District, but till date, no steps have been taken for removal of the said encroachment.

5. Learned Special Government Pleader appearing for the respondents 1 to 3 submits that if the said representation is still pending, appropriate steps will be taken forthwith to remove the encroachment after proper inspection and affording proper opportunity of hearing to the alleged encrochers, including the respondents 4 to 6, within a period of four weeks.

6. In view of the forgoing, it is not necessary to consider and adjudicate the issue at this stage. However, we direct the respondents 1 to 3 to consider the petitioner's representation dated 18.06.2014 and take necessary steps, on merits and in accordance with law to ensure that the aforestated lake, which has to be protected at any costs, is free from any encroachment or encumbrance. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Needless to state that before taking any action against the persons concerned, they are entitled to proper opportunity of hearing to put forward their case.

7. The writ petition stands disposed of with the above direction.
Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The District Collector
Villupuram District, Villupuram.

2 The Sub Collector,
Dindivanam, Villupuram District.

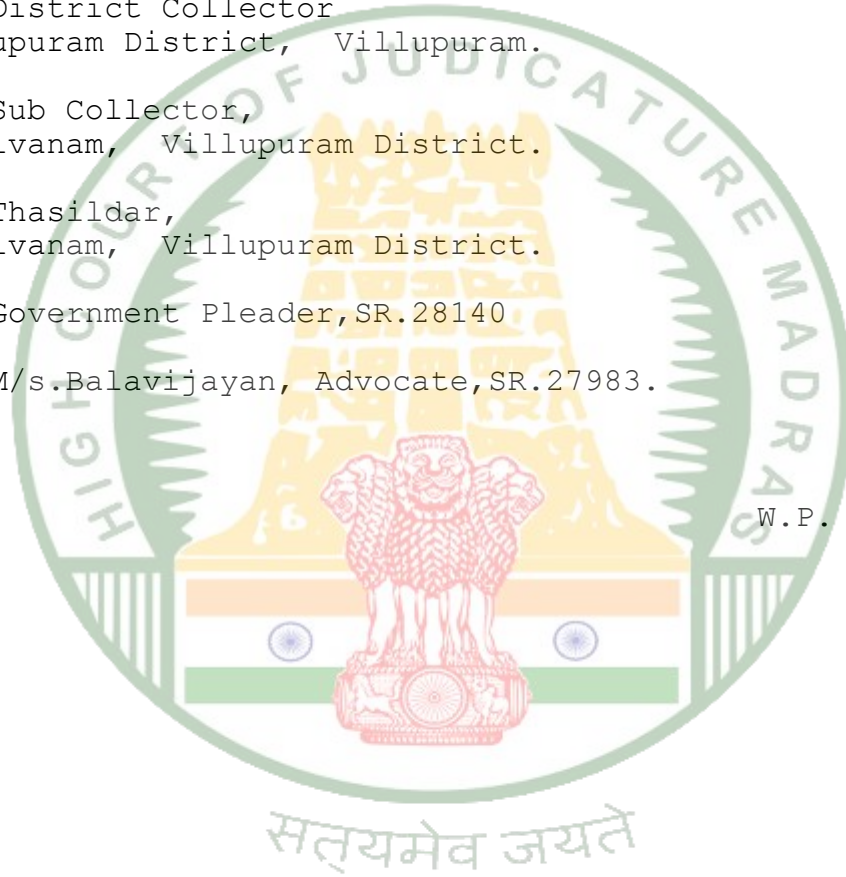
3 The Thasildar,
Dindivanam, Villupuram District.

+1 cc to Government Pleader, SR.28140

+1 cc to M/s.Balavijayan, Advocate, SR.27983.

Ppa(co)
krd 25/6

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