

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No. 21375 of 2010

Kazura Garden Welfare Association
A Society Registered under the Societies
Registration Act, 1896
rep. by its Secretary
No.2/739, 6th Cross Street
Kazura Garden, Neelankarai
Chennai 600 041.

...Petitioner

vs.

1. State of Tamil Nadu
rep. by its Secretary
Public Works Department
Fort St. George, Chennai.
2. The District Collector
Kancheepuram District
Kancheepuram.
3. The Tahsildar
Shozhinganallur
Kanchipuram Taluk
Chennai 600 119.
4. The Revenue Divisional Officer
Tambaram, Chennai 600045.
5. The Revenue Inspector
Revenue Office
Shozhinganallur
Chennai 600 119.

6. The President
Neelankarai Panchayat
Kapaleeswarar Nagar
Neelankarai, Chennai 600041.
 7. The Village Administrative Officer
Panchayat Office, Palavakkam
Chennai 600 041.
 8. P. Chelladurai
 9. Yunus
 10. Bala
 11. Pandian
 12. Sonthoon
 13. Marimuthu
 14. Pichaimani
 15. Md. Ibrahim
 16. Guruswamy
 17. C.A. Philomina
 18. P.H. Raja
- [R8 to R18 impleaded as per order dated 08.11.2010 made in M.P.No. 1 of 2010 in W.P.No.21375 of 2010]

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct the respondents to take necessary action to remove the illegal encroachments and demolish the construction made on the water body measuring 64.4 X 28.2 meters situate in S.No.72/1 of No.132, Palavakkam Village, Kancheepuram District and other water bodies in and around the village and to take steps to return the water body to its original form, in line with the orders of this Honourable Court and the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007.

For Petitioner : Mr. Rahul Balaji

For Respondents : Mr. S.T.S. Murthi
Government Pleader for R1 to R7
No Appearance for R8 to R18.

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O R D E R
(Made by The Hon'ble The Chief Justice)

The public interest litigation seeks to raise an issue of illegal encroachment on the water body, measuring an extent of 64.4 X 28.2 meters situate in S.No.72/1 of No.132, Palavakkam Village, Kancheepuram District and other water bodies in and around the village and to take steps to return the water body to its original form.

2. The aforesaid issue is no more res integra in view of the judgment of this Court in L. Krishnan vs. State of Tamil Nadu, represented by Secretary, Department of Revenue (Land Administration), Chennai and others, reported in 2005 (4) CTC 1. If there is any encroachment on the water body, it has to be removed. It appears that despite the initial verifications, nothing has happened in the matter, nor has any counter-affidavit been filed. The identified encroachers have been impleaded as respondents 8 to 18. No counter-affidavit has been filed by any of the parties.

3. In view of the aforesaid, we consider it appropriate to direct the second respondent/District Collector to look into the matter and take action in accordance with law if any alleged encroachment is found, after notice to all concerned. The proceedings be concluded within a period of three months from today.

4. The writ petition accordingly stands disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar
सत्यमेव जयते

ATR

Copies to;

1. The Secretary
State of Tamil Nadu
Public Works Department
Fort St. George, Chennai.

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Kancheepuram.
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Chennai 600 041.

1 CC to Mr.Satish Parasaran, Advocate SR.No. 27659

1 CC to the Government Pleader, SR.No. 27723

KU (CO)
PSI (18.06.2015)

W.P. No. 21375 of 2010

सत्यमेव जयते

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