

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.28266 of 2015

S. Swaminathan

...Petitioner

Vs.

- 1 The Secretary to the Government
Public Works Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai
- 2 The District Collector
Coimbatore
Coimbatore District
- 3 The Revenue Divisional Officer
Coimbatore
Coimbatore District
- 4 The Tahsildar
Coimbatore
Coimbatore District
- 5 C.M.S. College of Science and Commerce
represented by its Chairman
Chinnavedanpatti
Coimbatore
- 6 CMS Institute of Management Studies
represented by its Chairman
Chinnavedampatti
Coimbatore

7 C.M.S. Academy of Management and Technology
represented by its Chairman
Chinnavedampatti,
Coimbatore

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents authorities 1 to 4 to remove the encroachment made by the respondents 5 to 7 in the water channel comprised in S.No.550/2B, 549/2, 548/1B, 548/2B situated at Chinnavedampatti, Coimbatore, Coimbatore District and to provide free flow of water from the Chinnavedampatti main water channel to the petitioner by considering the representation dated 10.07.2015.

For petitioner : Mr. K. Mylsamy

For RR 1-4 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For RR 5-7 : Mr. R. Bharath Kumar

O R D E R
(delivered by SATISH K. AGNIHOTRI, J.)

With consent, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus directing the respondents authorities 1 to 4 to remove the encroachment made by the respondents 5 to 7 in the water channel comprised in S.No.550/2B, 549/2, 548/1B, 548/2B situated at Chinnavedampatti, Coimbatore, Coimbatore District and to provide free flow of water from the Chinnavedampatti main water channel to the petitioner by considering his representation dated 10.07.2015.

3 The Assistant Executive Engineer of the first respondent department has filed an affidavit dated 06 October 2015 to the effect that the entire area has been surveyed and boundaries have been marked. On survey and inspection, it was found that there is encroachment on the water channel in S.Nos.550/2B, 549/2, 548/1B and 548/2B situated at Chinnavedampatti, Coimbatore, Coimbatore District. Accordingly, a notice as provided under Rule 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, has been issued.

4 It is submitted by the learned Special Government Pleader appearing for the respondents 1 to 4 that the aforesaid notice was issued on 29 September 2015, granting 21 days time to the alleged encroachers to submit their explanation. In the event of the explanation found not being satisfactory, the alleged encroachers will be removed from the encroachment in question.

5 In view of the action initiated by the authorities, we are not inclined to adjudicate further in the matter. However, we direct the authorities concerned to take consequential action in accordance with law within the time specified under the statute.

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

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary to the Government
Public Works Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai

2 The District Collector
Coimbatore
Coimbatore District

3 The Revenue Divisional Officer
Coimbatore
Coimbatore District

4 The Tahsildar
Coimbatore
Coimbatore District

1 CC to Mr. K. Mylsamy, Advocate SR.No. 54831

1 CC to Mr. R. Bharath Kumar, Advocate SR.No. 54878

1 CC to the Government Pleader, SR.No. 54929

W.P. No.28266 of 2015

KSJ (CO)
PSI (15.10.2015)



WEB COPY