

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31986 of 2013
and
M.P.No.1 of 2013

P.Ramesh

...Petitioner

-vs-

1. The State,
rep. by the Secretary to Government,
Public Works Department,
Secretariat,
Chennai-600 009.
2. The Chief Engineer, P.W.D., W.R.O.,
Trichy Region,
Pudukottai Road,
P.B.No.803, Subramaniapuram,
Trichirappalli-620 020.
3. The Executive Engineer,
Sarabanga Basin Division,
Namakkal.
4. The District Collector,
Salem District,
Salem.
5. The Assistant Executive Engineer,
Public Works Department,
Sarabanga Basin Sub Division,
Attur, Salem District.
6. The Revenue Divisional Officer,
Attur,
Salem District.

7. The Tahsildar,
Attur Taluk,
Salem District.
(Amended as per order dt.04.8.2015 in
M.P.No.2 of 2013 in W.P.No.31986 of 2013)

8. The Block Development Officer,
Thalaivasal Union,
Salem District.

9. The President,
Unathur Panchayat,
Salem District.

10.Srinivasan

11.Kumaravel

12.Selvaraj

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing 1 to 9 respondents to remove the encroachment comprising in Survey No.149, 335 which is earmarked as village lake and Survey No.151, which is earmarked as a pond in Unathur village, Attur Taluk, Salem District and ensure the said lands earmarked for lake and pond to be restored to the original position as per the revenue records.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.STS.Moorthy
Govt. Pleader for R1 to R9

Mr.P.Ganesan
for
M/s.C.S.Associates for R10 to 12

ORDER

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

The petitioner alleges encroachments by the private respondent Nos.10 to 12 in Survey No.149 and 335, which are earmarked as village lake and Survey No.151, which is earmarked as a pond in Unathur village, Attur Taluk, Salem District.

2. The respondents-authorities have not filed any counter-affidavit as usual, though the matter is two years old. On perusal

of the typed set of papers filed, it is seen that the Tahsildar, Athur vide communication dated 16.08.2013 had asked the Commissioner, Panchayat Union, Thalaivasal to survey and remove the encroachments. The fate of this is also unknown.

3. We, thus, call upon respondent Nos.3 and 7 to carry out survey of the area to verify whether there are any encroachments of lake or not. If the encroachment exists, action should be taken to clear the encroachments in accordance with law, after notice to all concerned. The exercise be undertaken within three months from the date of receipt of the order.

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

Sd/-
Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Secretary to Government,
Public Works Department,
Secretariat,
Chennai-600 009.
2. The Chief Engineer, P.W.D., W.R.O.,
Trichy Region,
Pudukottai Road,
P.B.No.803, Subramaniapuram,
Trichirappalli-620 020.
3. The Executive Engineer,
Sarabanga Basin Division,
Namakkal.
4. The District Collector,
Salem District,
Salem.

5. The Assistant Executive Engineer,
Public Works Department,
Sarabanga Basin Sub Division,
Attur,
Salem District.

6. The Revenue Divisional Officer,
Attur,
Salem District.

7. The Tahsildar,
Attur Taluk,
Salem District.

8. The Block Development Officer,
Thalaivasal Union,
Salem District.

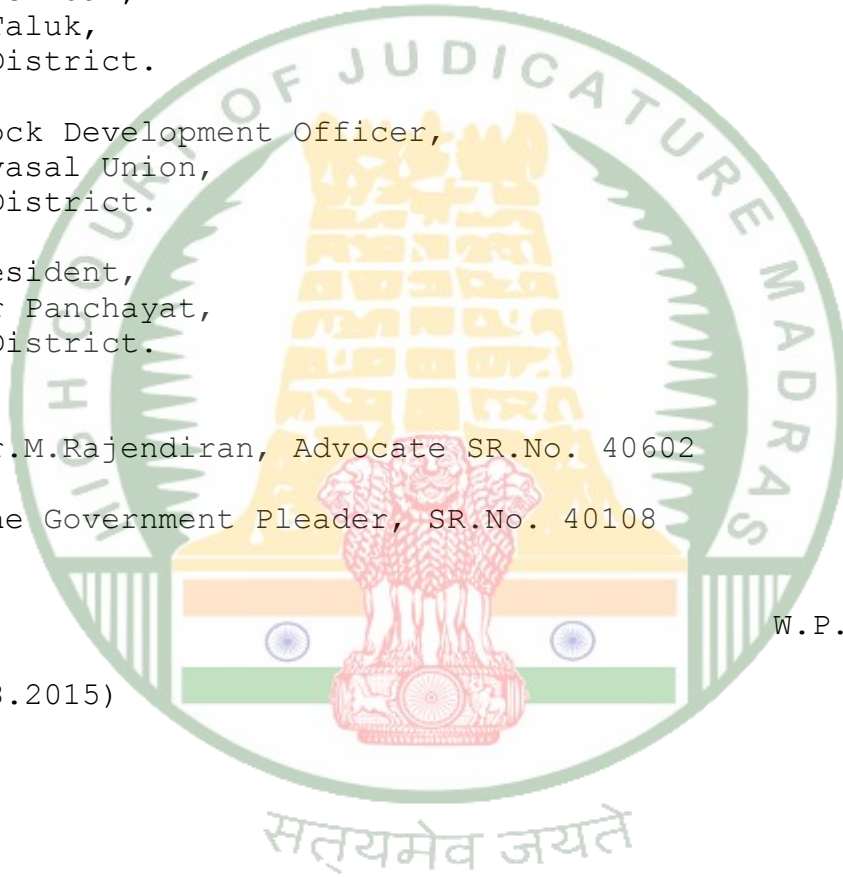
9. The President,
Unathur Panchayat,
Salem District.

1 CC to Mr.M.Rajendiran, Advocate SR.No. 40602

1 CC to the Government Pleader, SR.No. 40108

EV (CO)
PSI (21.08.2015)

W.P.No.31986 of 2013



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