

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.3.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.7908 of 2015

and

M.P.No.1 of 2015

J. Raja Ram

... Petitioner

-Vs.-

1.The Special Secretary
Public Works Department
Secretariat
Chennai-9.

2.The Executive Engineer
Lower Palar Basin Division
PWD, Kancheepuram - 631 501.

3.The Assistant Executive Engineer
Lower Palar Basin Sub Division
PWD, Chengalpattu - 603 002.

4.The District Collector
Kancheepuram District.

5.The Revenue Divisional Officer
Chengalpattu
Kancheepuram District.

6.The Tahsildar
Chengalpattu
Kancheepuram District.

7.The Assistant Director
Animal Husbandary Department
Chengalpattu, Kancheepuram District.

8.The Village Administrative Officer
Villae No.74, Pulipakkam Village
Chengalpattu - 603 002.

9.The Village Administrative Officer
Thimmavaram Village
Athur 'B' Block
Chengalpattu
Kancheepuram District.

10.Smt.P. Pathmavathi

11.Mr.K. Jeganathan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 9 herein to demolish the illegal construction in the guise of over bridge made by the respondents 10 and 11 herein over the water body comprised in Survey No.288 of Pulipakkam Village, Chengalpattu Taluk, Kancheepuram District as per Revenue record and Survey No.1130 of Athur Village, Kancheepuram District as per the second respondent department enabling free flow of water and further to remove the encroachment made by the respondents 10 and 11 herein in the water body namely water channel situated in Survey No.252/1, 252/3 and 252/5 of Pulipakkam Village, Chengalpattu Taluk, Kancheepuram District on the basis of the representation, dated 29.12.2014 made to the first respondent herein.

For Petitioner : M/s.G. Magesh Kumar

For Respondent No.1 to 9 :Mr.S.T.S. Moorthy, Govt. Pleader.

सत्यमेव जयते
O R D E R

(Order of the Court was made by R.Mahadevan, J.)

Based on the order of the Madurai Bench in respect of obstruction and encroachment of water bodies, the petitioner has come forward with this Pro Bono Publico.

2. The Green Peace Pvt. Ltd., which is a private concern, has been constructing a over bridge across the Neenjal Maduvu, which is the age old water channel, which is situated between the two villages, viz., Pulipakkam and Athur, encroaching the water channel and the government lands without conducting any soil test and by using sub-standard materials. Hence, this Public Interest Litigation.

3. Heard the learned counsel for the petitioner, as well as the learned Govt. Pleader for the respondents.

4. The learned counsel for the petitioner has submitted that with regard to the encroachment of water channels by constructing a over bridge, which is detrimental to the cause of public, though the representations, dated 29.12.2014 were sent to the first, second and sixth respondents, no action was taken by the respondents and therefore, it would be suffice, if a direction is given to the second respondent to dispose of the representation, dated 29.12.2014 as early as possible.

5. Considering the facts and circumstances of the case and since the matter is relating to a public cause, we are of the view that, without going into the merits of the case, a direction can be given to the second respondent to dispose of the representation, dated 29.12.2014 on merits and in accordance with law after affording an opportunity of being heard within a period of four weeks from the date of receipt of a copy of this order.

The petition is ordered, accordingly. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rnb

To

1.The Special Secretary
Public Works Department
Secretariat
Chennai-9.

WEB COPY

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Kancheepuram District.

+1cc to Mr.G.Magesh Kumar, Advocate, S.R.No.16149
+1cc to the Government Pleader, S.R.No.16072

W.P.No.7908 of 2015
and
M.P.No.1 of 2015

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RNB (CO)
CA(09/04/2015)