

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2015

CORAM

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

W.P.No.978 of 2015

V.Ranganathan

.. Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kanchipuram.

2. The Commissioner,
Maduranthakam Municipality,
Maduranthakam,
Kanchipuram District.

3. The Assistant Engineer (Irrigation),
Publics Works Department,
Killiyur Sub-Division,
Hospital Road,
Maduranthakam Town,
Kanchipuram District.

4. The Tahsildar,
Taluk Office,
Maduranthakam,
Kanchipuram District.

.. Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus to direct the respondents to remove the encroachments in the 'supply channel' on the northern side of bearing Survey No.1096/1 (1096/1 part) as per patta Town Survey No.5/45, 1096/1 part, Ward No.A, Block No.27, Parthasarathy Street, Thambiran Nagar, Maduranthakam, Kanchipuram District.

For Petitioner

: Mr.S.Udayakumar

For Respondents

: Mr.N.Sakthivel, GA for RR1,3 and 4

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ORDER

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

The only relief sought for in this petition is to issue a direction to the respondents to remove the encroachments in the 'supply channel' on the northern side of bearing Survey No.1096/1 (1096/1 part) as per patta Town Survey No.5/45, 1096/1 part, Ward No.A, Block No.27, Parthasarathy Street, Thambiran Nagar, Maduranthakam, Kanchipuram District.

2. The case of the petitioner is that an illegal encroachment has been made on the northern or southern side of the supply channel / Canal, which runs from West to East, in bearing Survey No.1096/1 (1096/1 part). Despite several representations made to the authorities, no step has been taken to remove the illegal encroachment for proper supply. It is further submitted that the Public Works Department is under an obligation under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 to keep all canals free from encroachment for the purpose of proper supply of water to the people.

3. The learned Government Advocate appearing for respondents 1,3 and 4 submits that if on inspection, it is found that there is an encroachment on the supply channel bearing Survey No.1096/1 (1096/1 part), after proper notice to the concerned people, who have made encroachments, necessary steps shall be taken for removal of the alleged encroachments in accordance with law and on its own merit.

4. Without expressing any opinion on the merits of the case, we direct the respondents to take necessary steps in accordance with law and on its own merit to remove the encroachments, if any found on the said supply channel, within a period of eight weeks from the date of receipt of copy of this order, after affording proper opportunity of hearing to all parties concerned. This writ petition, accordingly, stands disposed of. No costs.

vvk

-s/d-

Assistant Registrar(CO)

Dt:30/1/2015

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Kancheepuram District,
Kanchipuram.

2. The Commissioner,
Maduranthakam Municipality,
Maduranthakam,
Kanchipuram District.
 3. The Assistant Engineer (Irrigation),
Publics Works Department,
Killiyur Sub-Division,
Hospital Road,
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 4. The Tahsildar,
Taluk Office,
Maduranthakam,
Kanchipuram District.
- + 1 cc to Mr.S.Udayakumar, Advocate SR 2648
- + 1 cc to Govt.Pleader SR 2490

W.P.No.978 of 2015



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