

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08..07..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. No.26983 of 2009

Subash Chandra Bose Podhu Nala Sangam
Nagapattinam District,
(Regn.No.183/2008/Nagapattinam)
represented by its President
S.Pugazhenthir
99, Neela South Street, Nagapattinam. ..Petitioner

Versus

1.State of Tamil Nadu
represented by its
Secretary to the Government
Department of Revenue,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Secretary to the Government
Public Works Department,
Government of Tamil Nadu
Fort St.George, Chennai 600 009.

3.The Commissioner,
Survey and Land Reforms Department
Chepauk, Chennai 600 005.

4.The District Collector,
Nagapattinam District,
Nagapattinam.

5.The Superintending Engineer
Public Works Department
Nagapattinam.

6.The Tahsildar,
Kizh Velur Taluk, Kizh Velur,
Nagapattinam District.

7.The Executive Officer,
Velankannai Panchayat (Special Grade)
Velankanni, Nagapattinam District.

8.The President,
Pratabaramapuram Panchayat,
Pratabaramapuram,
Kizh Velur Taluk, Nagapattinam District 611111.

9.The Management,
Lady Shrine Basilica of Our Lady of Health
Velankanni, Nagapattinam District.

10.The Management,
SPT Lodge, Velankanni,
Nagapattinam District.

11.The Management,
Lodge Association Building,
Velankanni Nagapattinam District.

12.The Management,
Happy Lodge, Uthiraya Madha Street,
Velankanni, Nagapattinam District.

13.The Management,
MRS Lodge, Beach Road,
Velankanni, Nagapattinam District.

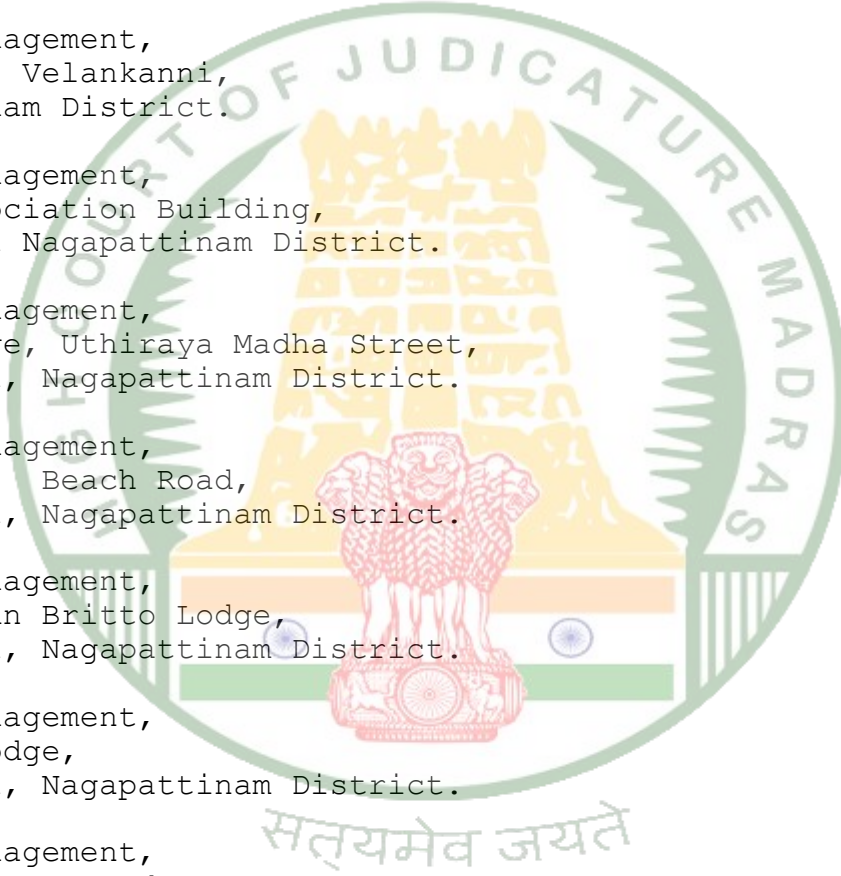
14.The Management,
Joseph John Britto Lodge,
Velankanni, Nagapattinam District.

15.The Management,
Yagappa Lodge,
Velankanni, Nagapattinam District.

16.The Management,
VS Anthonymsamy Lodge,
Velankanni, Nagapattinam District.

17.The Management,
Chandra Hotel, Tourist Home,
Velankanni, Nagapattinam District.

18.The Management,
Dravidar Hotel, Bus Stand
Velankanni, Nagapattinam District.



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19.The Management,
Arulanndam Lodge,
Velankanni, Nagapattinam District.

20.The Management,
JK Lodge, Ariyanattu Street,
Velankanni, Nagapattinam District.

21.The Management,
Pushpa Lodge, Ariyanattu Street,
Velankanni, Nagapattinam District.

22. The Management,
Vincent Joseph Lodge, Ariyanattu Street,
Velankanni, Nagapattinam District.

23.The Management,
SM Lodge,
Velankanni, Nagapattinam District.

24.The Management,
Prakash Hotel, Beach Road,
Velankanni, Nagapattinam District.

25.The Management,
Christraj Mahal,
Velankanni, Nagapattinam District. ...Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents 1 to 8 to evict the respondents 9 to 25 from their illegal encroachments made in Government lands at S.Nos.1A and 1B of Pratabaramapuram Panchayat and Village, S.Nos.10,12,13,14,70, 91,93 to 99, 113 at Velankanni Panchayat and Village and also to remove the encroachments at survey number at 113.1A and on the road passing through S.Nos.95.1, 95.2, 95.3, 95.3B, 95.3C, 95.3D, 95.4A, 95.4B, 95.4C and 95.3A known as Annai Nagar at Velankanni apart from the tanks and water courses at Vellankanni village, Kizh Velur Taluk, Nagapattinam District and ensure its use by the general public.

For Petitioner:: Mr.Sathish Parasraan

For Respondents:: Mr.S.T.S.Moorthy

Government Pleader

assisted by Mr.V.Shanmugasundar for
R.1 to R.8.

Mr.S.Sathiamurthy for R.18.

Mr.R.Sureshkumar for R.9 and

Mr.A.Babu for R.15.

Mr.M.V.Venkataseshan for R.19.
No appearance for R.10 to R.14,
R.16, 17, 20,21,22,23,24 and 25.

O R D E R

(Judgment of Court was made by The Honourable Chief Justice)

We have perused the counter affidavit filed by the 4th respondent qua the allegation of unauthorised construction including on water body and Government lands at Annai Nagar, Vellankanni.

2. In the counter affidavit, it is stated by the 4th respondent/District Collector that a detailed survey has been made and the actual unauthorised occupation was sorted out and suitable directions have been issued to the officials concerned to take action for removal of encroachment after observing the statutory formalities.

3. The aforesaid should take care of the concerns of the petitioner provided the implementation action takes place.

4. We thus dispose of the writ petition with a direction to the respondents/authorities to proceed in accordance with law against the unauthorised construction as identified by them and submit a status report to this Court within three months from today, giving the details sought as to the encroachments, nature of construction, date of removal and the status of any proceedings pending.

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

6. List for compliance on 14.10.2015. The status of the bridge as to the date of its completion also be stated and the reason for the delay in completion.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

To

1. Secretary to the Government, Department of Revenue,
Government of Tamil Nadu, Fort St.George, Chennai 600 009.

2.The Secretary to the Government
Public Works Department, Government of Tamil Nadu
Fort St.George, Chennai 600 009.

3.The Commissioner, Survey and Land Reforms Department
Chepauk, Chennai 600 005.

4.The District Collector, Nagapattinam District, Nagapattinam.

5.The Superintending Engineer, Public Works Department, Nagapattinam.

6.The Tahsildar, Kizh Velur Taluk, Kizh Velur, Nagapattinam District.

7.The Executive Officer, Velankannai Panchayat (Special Grade)
Velankanni, Nagapattinam District.

8.The President, Pratabaramapuram Panchayat,
Pratabaramapuram, Kizh Velur Taluk, Nagapattinam District 611111.

+1cc to M/s.R. Suresh Kumar, Advocate, S.R.No.34306

+1cc to the Government Pleader, S.R.No.34386

RSK(CO)
EU(21/07/2015)

सत्यमेव जयते

WP.No.26983 of 2015

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