

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.8505 of 2014

N.P.Murugaiyan

... Petitioner

-Vs-

1. The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
2. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur 602 001.
3. Thasildhar
Poonthamallee Taluk, Poonthamallee.
4. Superintending Engineer,
Public Works Department,
'Kosasthalaiyaru Vadinilal Kottam',
Thiruvallur.
5. M/s.Hindustan Coco Cola Breweries
Pvt. Ltd., Rep. By its Managing
Director, Nemam Village,
Poonthamallee Taluk,
Thiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to survey the water canal situated in Survey nos.557, 586 and 626 in Nemam Village, Poonthamallee Taluk, Thiruvallur District and remove the encroachment made by the fifth respondent in the water canal.

For Petitioner : Mr.S.Nambi Arooran

For Respondents : Mr.S.T.S.Murthi,
Government Pleader, assisted by
Mr.V.Shanmugasundar, G.A.
For RR 1 to 4

: Mr.Satish Parasaran, Sr. Counsel
for Mr.Madan Babu, for R-5

O R D E R

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

The petitioner seeks to raise an issue of the fifth respondent having encroached on a water canal in S.Nos.557, 586 and 626 in Nemam Village, Poonthamallee Taluk in Thiruvallur District.

2.The counter affidavit filed by the fifth respondent seeks to raise a preliminary objection that the petition is a motivated one as the petitioner is a local politician, whose eldest son was working with them as a security guard through service providers, but was relieved of his responsibilities on account of misconduct in the year 2012. A threat was held out by the said son to the HR Manager of the respondent, who lodged a police complaint. The petitioner's other son is stated to be still doing some contractual business with the fifth respondent and all of them would have lived together is obvious from the fact that the address of the petitioner is the same as of his son at which communications were addressed.

3.We, thus, do not find the present petition to be a bona fide exercise. However, we may hasten to add that if there is any water area which is encroached upon, it is the duty of the respondents to keep it free from any encroachment.

4.Learned senior counsel for the fifth respondent states on instructions that what they had bought was pre-existed in structure and if there was a canal, they are willing to take necessary steps to facilitate a canal water flow through an alternative channel for which they will approach the respondent authorities.

5.Writ Petition is, accordingly, dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

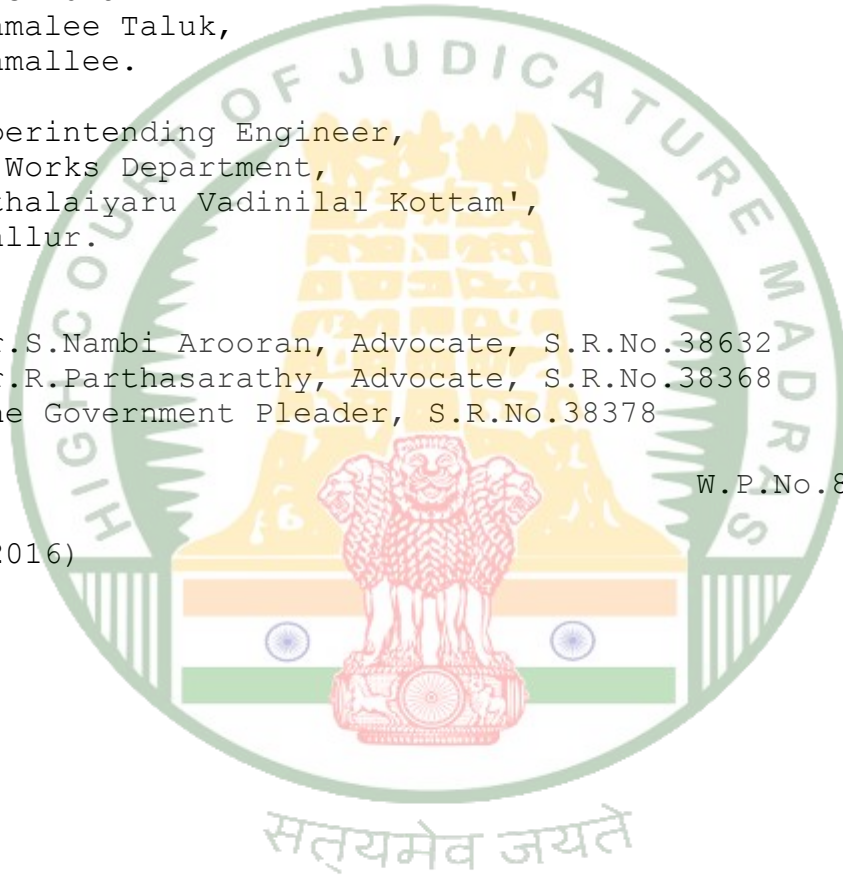
To

1. The District Collector,
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Thiruvallur 602 001.
2. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur 602 001.
3. The Thasildhar
Poonthamalee Taluk,
Poonthamallee.
4. The Superintending Engineer,
Public Works Department,
'Kosasthalaiyaru Vadinilal Kottam',
Thiruvallur.

+1cc to Mr.S.Nambi Arooran, Advocate, S.R.No.38632
+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.38368
+1cc to the Government Pleader, S.R.No.38378

W.P.No.8505 of 2014

NRJK(CO)
CA(12/07/2016)



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