

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.10641 of 2013
and M.P.Nos.1 and 2 of 2013

A.Mohan ... Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by its District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Executive Engineer (Public Works)
East Palar Basin Division,
Kancheepuram Dist., Kancheepuram.
- 3.The Thasildar,
Tambaram Taluk,
Kancheepuram District.
- 4.Paduvanchery Public Welfare Association,
Rep. by its President, M.Dhanasekaran.
(R-4 impleaded as per Court order dt.
20.06.2016 in M.P.No.1 of 2014)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the encroachments in the Madambakkam Lake situated at Survey No.708 and Channel poramboke at Survey No.724, Madambakkam, Tambaram Taluk, Kancheepuram District under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 and protect the same.

For Petitioner : Mr.K.Elangoo

For Respondents : Mr.S.T.S.Murthi,
1 to 3 Govt. Pleader

For Respondent 4 : Mr.M.Sankar

O R D E R

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

The allegation is of an encroachment in Madambakkam Lake situated at Survey No.708 and Channel poramboke at Survey No.724, Madambakkam, Tambaram Taluk, Kancheepuram District.

2.The petitioner and the official respondents agree that the encroachments were removed on 17.07.2013 except in respect of six cases where patta rights were claimed. Learned Government Pleader states that a survey has to be carried out qua the persons who are claiming patta rights.

3.The grievance made by the petitioner now is that even the encroachments removed have come back.

4.We are, thus, of the view that the official respondents will proceed in accordance with law and necessary survey will be carried out within one (1) month of the receipt of this order. The persons found encroaching will be proceeded against in accordance with law and it shall be ensured that after encroachments are removed, no re-encroachment is permitted. This exercise be carried out within two (2) months of the receipt of this order.

5.Writ Petition stands, accordingly disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2013 are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Executive Engineer (Public Works)
East Palar Basin Division,
Kancheepuram Dist., Kancheepuram.

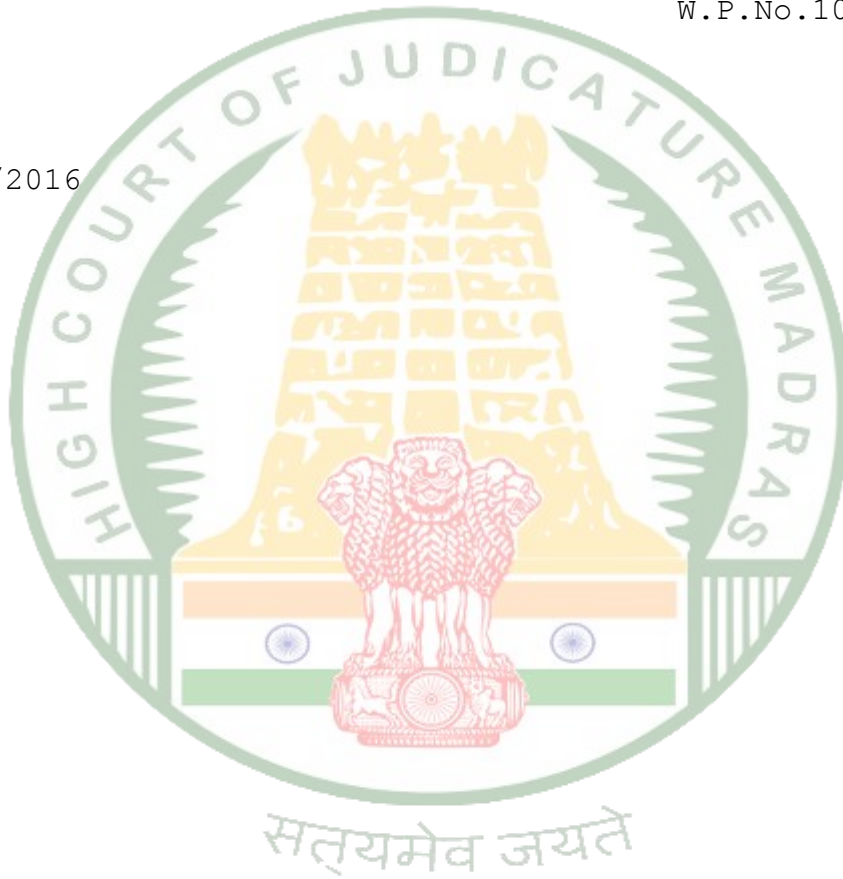
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3.The Thasildar,
Tambaram Taluk,
Kancheepuram District.

+1cc to Mr.K.Elango, Advocate, S.R.No.34038
+1cc to Mr.M.Sankar, Advocate, S.R.No.34206
+1cc to the Government Pleader, S.R.No.33929

W.P.No.10641 of 2013

GJ[co]
srg 14/07/2016



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