

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.23182 of 2016

Athipattu Village General Welfare Association
Regn No.(AGPNS) 56/2016
rep. by its President, D.Saisaravanan
No.387, Dr.Ambedkar Street
Athipattu, Ponneri Taluk
Thiruvallur District - 600 120. ... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary
Department of Revenue
St. George, Fort
Chennai - 600 009.
2. The District Collector
NH 205, Jaya Nagar
Thiruvallur District - 602 001.
3. The Tahsildar
NGO Nagar Extension
Ponneri Taluk
Thiruvallur District - 601 204.
4. Zuari Cements Limited
rep. by its Managing Director
Dr.Ambedgar Street
143 Athipattu
Chennai - 600 120.

5. The General Manager
Zuari Cements Limited
Dr.Ambedgar Street
143 Athipattu
Chennai - 600 120.

6. Athipattu 1st Grade Panchayat
rep. by its President
143 Athipattu
Chennai - 600 120.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to remove the encroachment by respondents 4 and 5 in Land Survey No.116/1 to an extent of 0.13.5 Ares, 112/1 (0.62.0 Ares), 206 to an extent of 0.56.0 Ares in Athipattu Village (143).

For Petitioner : Mr.V.Prakash, Sr. Counsel
for M/s.K.Sudalaikannu

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1 to 3

Mr.Srinath Sridevan
for Mr.S.Rajmakesh
for 4th respondent

Mr.V.Karthick, Sr. Counsel
for Mr.S.Rajmakesh
for 5th respondent

No appearance
for 6th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)
The learned Senior Counsel for the petitioner, on instructions, states that the action having been triggered off by the Collector, he does not really seek to press the petition. He submits that contrary to the stand of respondents 4 and 5, as per his allegation, within the compound wall of the said respondents, where the canal flows, some construction has been made on the same.

2. This position is naturally disputed by the learned counsel for respondent 4 and 5, on instructions.

3. This would be a matter for the authorities concerned to look into. Suffice for us to say that there should be no blockage of water flowing through the culvert nor any construction on the canal, so that as and when water flows, the culvert facilitates the flow of water beyond the walls of respondents 4 and 5.

4. We may clarify at the request of the learned counsel for respondents 4 and 5 that the said respondents are not entitled, in our view, to make any construction on the canal, but the wall by itself with the culvert would not amount to a violation.

5. It will be open to the authorities to take a look into the issue if they are of the view that the culvert needs to be further expanded to facilitate water flow when water is available.

The petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi
To:

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

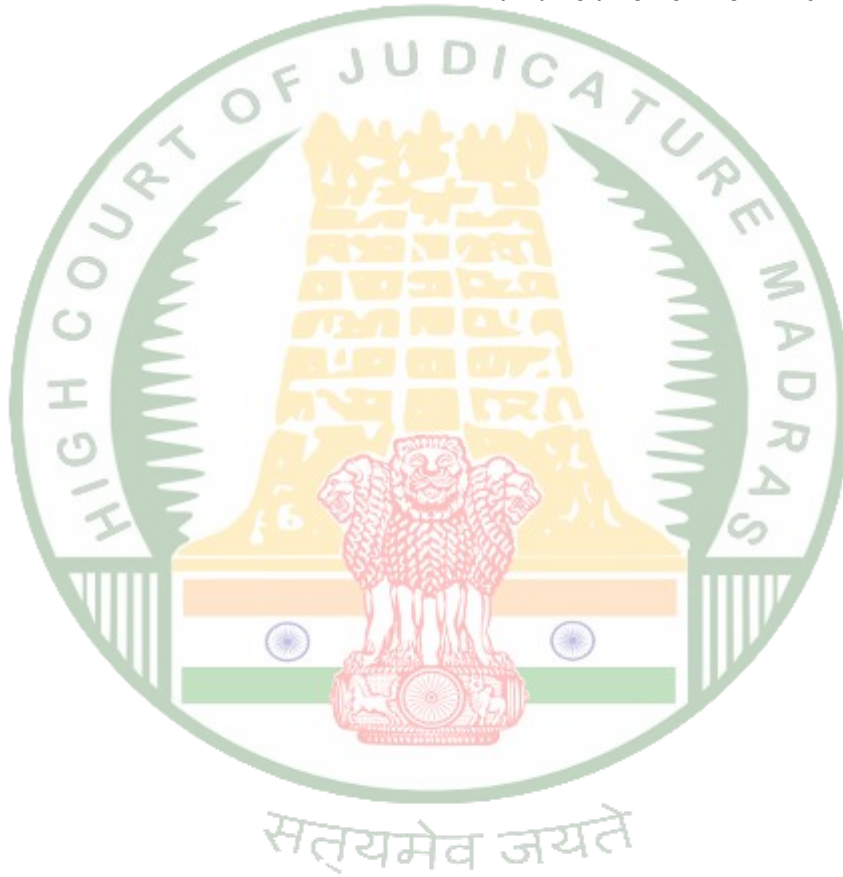
2. The District Collector
NH 205, Jaya Nagar
Thiruvallur District - 602 001.

3. The Tahsildar
NGO Nagar Extension
Ponneri Taluk
Thiruvallur District - 601 204.

+1cc to Mr.K. Sudalaikannu, Advocate, S.R.No.63006
+1cc to the Government Pleader, S.R.No.62458

nrjk (CO)
md (14/11/2016)

W.P.No.23182 of 2016



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