

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23460 of 2013

Veeramani

... Petitioner

Versus

- 1.The District Collector,
Cuddalore District.
- 2.The Revenue Divisional Officer,
Cuddalore.
- 3.The Tahsildar,
Cuddalore.
- 4.The Village Administrative Officer,
Gundu Uppalavadi,
Cuddalore Taluk, Cuddalore District.
- 5.The Superintending Engineer,
TANGEDCO, Cuddalore,
- 6.The President,
Gundu Uppalavadi Panchayat,
Cuddalore Taluk, Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents to protect and maintain the public channel bearing S.No.42/2 Hec. 0.55.0 in Gundu Uppalavadi Village, Cuddalore Taluk, Cuddalore District and consequently remove any encroachments.

For Petitioner : Mr.Gunaraj
for Mr.D.Baskar

For Respondents : Mr.R.Varunkumar for R.5
Mr.V.R.Kamalanathan
Additional Government Pleader
for R.1 to R.4 and R.6

O R D E R

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

The petitioner alleges that a public channel being a water body in S.No.42/2 Hec 0.55.0 in Gundu Uppalavadi Village, Cuddalore Taluk, Cuddalore District is sought to be encroached upon and construction put up, and that is why the petitioner has approached this Court.

2. On our query, learned counsel for the petitioner states that some small constructions have in fact been made therein.

3.Learned Additional Government Pleader on the other hand submits that pattas in respect of lands were issued in 2004 to about 40 families.

4.We are of the view that if it is water area, then there would have been no occasion to issue pattas even at that time, unless there was change of land user into house. Patta on water body could have never been issued.

5.We thus call upon the first respondent to cause enquiry into this aspect and if the area is water body, it must be ensured that this is free from any construction and action in accordance with law be taken.

6.The aforesaid exercise be completed within a period of four months from the date of receipt of this order with intimation to the petitioner.

The writ petition accordingly stands disposed of, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ksr

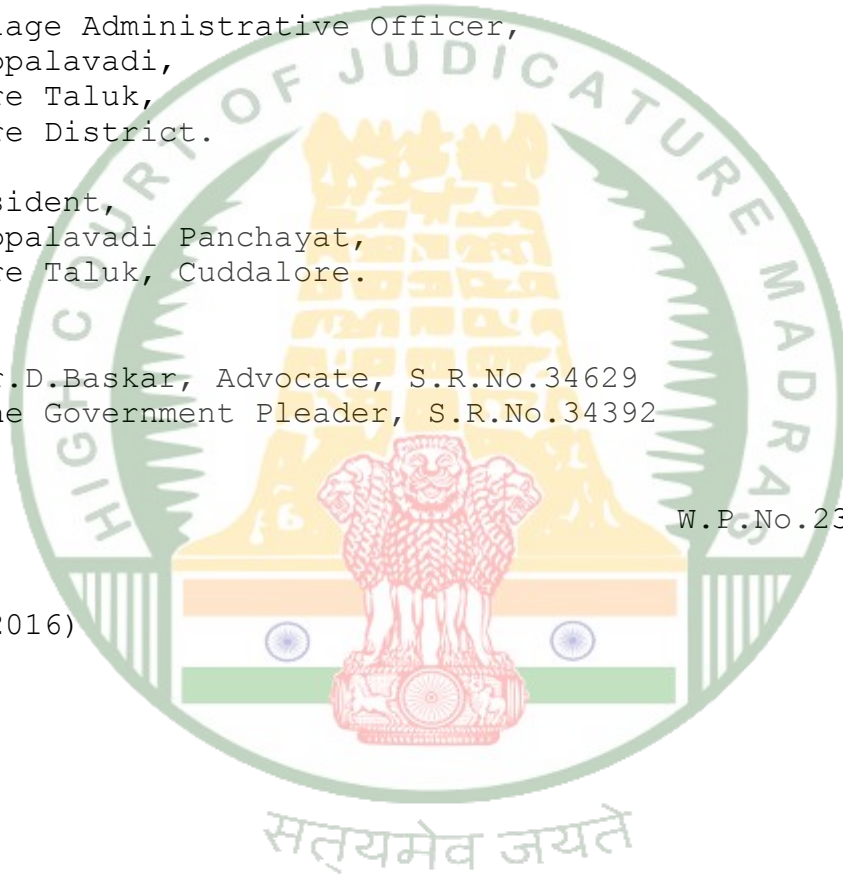
To

- 1.The District Collector,
Cuddalore District.
- 2.The Revenue Divisional Officer,
Cuddalore.
- 3.The Tahsildar,
Cuddalore.
- 4.The Village Administrative Officer,
Gundu Uppalavadi,
Cuddalore Taluk,
Cuddalore District.
- 5.The President,
Gundu Uppalavadi Panchayat,
Cuddalore Taluk, Cuddalore.

+lcc to Mr.D.Baskar, Advocate, S.R.No.34629
+lcc to the Government Pleader, S.R.No.34392

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



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