

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2016

CORAM

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.35140 of 2013

and

M.P.No.1 of 2013

T.Elanchezhian

... Petitioner

-Vs-

1. The District Collector,
Nagapattinam,
Nagapattinam District.
2. The District Revenue Officer,
Mailaduthurai,
Nagapattinam District.
3. The Tahsildar,
Tharangapadi,
Poraiyur, Mailaduthurai,
Nagapattinam District.
4. The Village Administrative Officer,
Vadakarai Post,
Mailaduthurai,
Nagapattinam District.
5. The Assistant Executive Engineer,
Public Works Department,
Mailaduthurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to protect and preserve the encroachments over the yellow river bank and harijana bank land comprised in S.No.133 situated at Vadakarai Onethathakattalai village, Tarangampadi Taluk, Mailaduthurai, Nagapattinam District be maintained as water body and consequently remove all encroachments thereon in terms of provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and other applicable Acts and protect and preserve the said yellow river canal and harijana canal.

For Petitioner : Mr.K.S.Kaviarasu

For Respondents : Mr.STS.Moorthy
Government Pleader

ORDER

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

In pursuance to the notice of the petitioner, an enquiry was made by the Tahsildar, Tharangampadi and Memo dated 02.03.2012 has been filed on record, which reads as under:-

MEMO

Tharangampadi Taluk - Illayallur Village - Irrigational channel running North from the yellow channel to Illayallur Village and the irrigational channel in Onthakattalai area - regards - Informatin sought for by Mr.T.Illancheziyan, S/o.Thiruvengadam, under the provisions of Right to Information Act the following information delivered.

1) No encroachment found in the irrigational channel running on Northern side from yellow channel to Illayallur Village and in the irrigational channel found in Onthakattalai area.

2) In Vadakarai Onthakattalai area the yellow river bank, Harijana channel bank were comprised in Poramboke Survey No.133. In the said Survey number Trustee Mosque 1. Rahmathunisha 2. Gulam Rasool 3. Fakir 4. Habil Funisha 5. and 52 others were encroaching for a period of 29 years.

TAHSILDAR
Tharangampadi

2. The learned counsel for the petitioner submits that Serial No.2 would show that there is an encroachment in the water body, though he accepts that the same is in existence for 29 years.

3. We are, thus, of the view that the concerned authorities may look into this matter, the area being water body.

4. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Nagapattinam,
Nagapattinam District.
2. The District Revenue Officer,
Mailaduthurai,
Nagapattinam District.
3. The Tahsildar,
Tharangapadi,
Poraiyur,
Mailaduthurai,
Nagapattinam District.
4. The Village Administrative Officer,
Vadakarai Post,
Mailaduthurai,
Nagapattinam District.
5. The Assistant Executive Engineer,
Public Works Department,
Mailaduthurai.

+1cc to Mr.K.S.Kaviarasu, Advocate, S.R.No.34685
+1cc to the Government Pleader, S.R.No.34747

W.P.No.35140 of 2013

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