

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

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

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.33136 of 2016

P.Boopathi @ Nilavan
S/o.Perumal
Organizer, Gani Rawther Tank
Redemption Movement
No.2, Prabath Complex
Choolai, Erode - 638 004. ... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary
Department of Public Works
Fort Saint George
Chennai - 600 009.
2. The District Collector
Erode District
Erode.
3. The District Revenue Officer
Erode District, Erode.
4. The Revenue Divisional Officer
Erode District, Erode.
5. The Municipal Commissioner
Erode Municipality, Erode. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to consider the petitioner's representation dated 25.8.2016 and consequently direct respondents 4 and 5 to implement the order dated 29.6.2015 passed by the third respondent.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1 to 4

Mr.M.Rajamathivanan
for 5th respondent

ORDER

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

The petitioner alleges encroachment of the Ganiraavuthar Tank in Erode Town, which is alleged to have shrunk from 52 Acres to 15 Acres. The tank was used during rainy season and is stated to be a source of underground water. The encroachments are alleged over the last 20 years and there is a housing complex - TKT Nagar, while a part of the area is stated to be converted into drainage water from the tenements.

2. In respect of the representation of the petitioner dated 10.11.2014, proceedings are stated to have been held before the District Revenue Officer/third respondent on 29.6.2015 and orders were passed directing the Municipal Commissioner, Erode, to remove encroachments found within the radius of 15 Metres from tank bunds with police protection. The Superintendent of Police, Erode, was also directed to give protection for the said purpose.

3. The subsequent representations show that despite reminders nothing seems to have transpired.

4. The learned Government Pleader submits that, on inspection, 27 houses were found within this area, out of which 16 have been removed, while for 11 alternative accommodation is under process. The learned Government Pleader requests for two weeks time to ensure that all encroachments within that area are cleared.

5. We may note the stand of the learned counsel for the petitioner that the tank is supposed to be much wider, but it does appear that colonization took place decades ago.

6. We take the statement of the learned Government Pleader on record and the respondents will remain bound by the statement. We make it clear that the encroachments cleared would be with the rubble removed and it should be ensured that there is no re-encroachment.

The petition stands disposed of accordingly. No costs.
Consequently, W.M.P.No.28649 of 2016 is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary
State of Tamil Nadu
Department of Public Works
Fort Saint George
Chennai - 600 009.
 2. The District Collector
Erode District
Erode.
 3. The District Revenue Officer
Erode District, Erode.
 4. The Revenue Divisional Officer
Erode District, Erode.
 5. The Municipal Commissioner
Erode Municipality, Erode.
- +1 cc to M/s.R.Sankarasubbu,advocate,sr.53888
+1 cc toM/s.M.Rajamathivanan,advocate,sr.53838
+1 cc to Govt.Pleader,sr.54035.

ssk(co)
krd 29/9

सत्यमेव जयते

W.P.No.33136 of 2016

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