

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.9.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.3466 of 2016
and WMP.2838 OF 2016

T.K.Devendran .. Petitioner

Vs.

1. The State of Tamil Nadu
rep. by the Principal Secretary
Revenue Department
Fort St. George
Chennai 9.

2. The Principal Secretary
Public Works Department
Fort St. George, Chennai 9.

3. The District Collector
Thiruvallur District at
Thiruvallur.

4. The Managing Director
Tamil Nadu Slum Clearance Board
Chepauk, Chennai 5.

5. The Tahsildar
Poonamallee Taluk
Poonamallee.

6. The Tahsildar
Avadi Taluk
Avadi.

.. Respondents

[R6 impleaded suo motu by order
dated 27.9.2016] as per offer of this court in wp.3466/2016

Petition under Article 226 of the Constitution of India praying
for a writ of Mandamus directing the respondents 1 to 5 to consider
the representation dated 28.12.2015 followed by reminder dated
31.12.2015 seeking removal of encroachments in the classified lake
area in S.No.301/1, Thiruninravur Lake and Village, Thiruvallur

District, forthwith.

For Petitioner : Mr.L.Chandrakumar
For Respondents 1-3,5&6 : Mrs.VasudhaThiagarajan,
Addl.G.P.
For Respondent-4 : Mr.B.Kesavan

O R D E R
(Made by Huluvadi G.Ramesh,J)

The petitioner has come up with the above writ petition seeking a direction to the respondents 1 to 5 to consider his representation dated 28.12.2015, followed by reminder dated 31.12.2015, to remove the encroachments in S.No.301/1, Thiruninravur Lake and Village, Thiruvallur District.

2. The petitioner is an agriculturist and he owns the land in S.No.301/1, Thiruninravur Lake and Village, Thiruvallur District. The water irrigated from Thiruninravur Lake is being used for cultivation by the petitioner and adjacent land owners, to an extent of 1500 acres. About 50 acres of land was allocated to the Tamil Nadu Slum Clearance Board. The said land has been encroached by some persons. Due to the said encroachment, water way has been blocked resulting in the reduction of agricultural activities. Since no action was taken for removing the encroachment, the petitioner, along with others, made a representation dated 28.12.2015 and thereafter, on 31.12.2015 to remove the encroachment in S.No.301/1. As no order was passed on the said representations, the petitioner has come up with the above writ petition.

3. Since the learned counsel for the petitioner submitted that the Tahsildar of Avadi Taluk had earlier issued notice to all the persons who have encroached the lake, we suo motu implead the Tahsildar as the sixth respondent.

4. Admittedly, the lake has to be preserved for the welfare of the people in that locality and that the cultivation by irrigating the lake water should not be affected. Therefore, in order to preserve the lake and to protect the interest of the agriculturists, the encroachments have to be removed.

5. It appears that the petitioner had earlier filed a writ petition as public interest litigation to forbear the respondents therein from opening the locks of Thiruninravur Lake, since some of the areas near the lake were floating due to flood. In that writ petition, he had alleged that there was encroachment on the lake and therefore, the first Bench of this Court observed that the interest of the agriculturists in the area should be safeguarded to ensure that the water stored in the lake is capable of utilisation in future, when there may be paucity of water and at the same time, if

there is a danger to the boundaries of the lake, necessary precautions has to be taken.

6. Considering the facts and circumstances of the case and in the light of the observation of the First Bench, this writ petition is disposed of, directing the respondents to remove the encroachments, after giving notice to the persons who have encroached S.No.301/1 and enquiry and also after affording an opportunity of personal hearing to the persons concerned and in accordance with law. There shall be no order as to costs. Consequently, WMP No.2838 of 2016 is closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

kpl

To

1. The Principal Secretary
The state of Tamil Nadu
Revenue Department
Fort St. George, Chennai 9.
2. The Principal Secretary
Public Works Department
Fort St. George, Chennai 9.
3. The District Collector
Thiruvallur District at Thiruvallur.
4. The Managing Director
Tamil Nadu Slum Clearance Board
Chepauk, Chennai 5.
5. The Tahsildar, Poonamallee Taluk, Poonamallee.
6. The Tahsildar, Avadi Taluk, Avadi.

+1 cc to Government pleader SR.NO. 55630/16.

ak[co]

RD 09/12/2016

W.P.No.3466 of 2016.