

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.41414 of 2016

T.M.S.Sivakumar

.. Petitioner

-vs-

1.The District Collector,
Tiruvallur District, Tiruvallur.

2.The Commissioner,
Poonamallee Municipality,
Poonamallee.

3.The Tahsildar,
Poonamallee Taluk, Poonamallee.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents herein to remove the encroachments in the waterbody in Survey Nos.246 and 246/1 of Kattupakkam Village in Poonamallee Taluk, Thiruvallur District.

For Petitioner : Mr.K.S.Kumar

For Respondents : Mr.R.Vijayakumar
Addl.G.P. for RR 1 and 3
: Mr.P.Srinivas for R-2

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O R D E R

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

Notice, which is accepted by Mr.R.Vijayakumar, learned Additional Government Pleader, for respondents 1 and 3 and Mr.P.Srinivas, learned counsel, for respondent no.2.

2.The case of the petitioner is that he is the owner of a theatre in S.No.245 at Kattupakkam Village in Poonamallee Taluk,

Thiruvallur District, where there is an adjacent water body (kulam poramboke in S.Nos.246 and 246/1). This land was stated to be lying idle when permission was granted to the petitioner to use it as a pathway and the lease was granted for ten years on 07.02.1990. However, during the deluge of 2015, even the theatre got sub-merged in water and the petitioner was asked to surrender the said area.

3.The grievance of the petitioner is that though he has expressed his willingness to surrender the area and gave his no objection for the same, there have been encroachments on S.No.246/1 and despite request of the petitioner and the reminder dated 16.11.2016, no action has been taken.

4.Learned counsel for the second respondent states that some suits have been filed by the encroachers, but there is no interim injunction order. The maintainability of such suits itself would be doubtful.

5.We consider it appropriate to direct the second respondent to cause an inspection of the site to be made within fifteen (15) days and if encroachments are found, to proceed in accordance with law, after notice to all concerned and conclude the proceedings within a maximum period of two (2) months thereafter.

6.Writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Tiruvallur District, Tiruvallur.

2.The Commissioner,
Poonamallee Municipality,
Poonamallee.

3.The Tahsildar,
Poonamallee Taluk, Poonamallee.

+1 cc to Mr.P.Srinivas,advocate,sr.68884

+1 cc to Government Pleader,sr.69240

+2 cc's to M/s.K.Skumar,advocate,sr.68929.

vg(co)

krd 30/11

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