

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.41949 of 2016

V.B.R.Menon, Advocate

.. Petitioner

-vs-

- 1.The Principal Secretary
to Govt. of Tamilnadu,
Revenue Department,
Fort St. George, Secretariat,
Chennai 600 009.
- 2.The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram-631 501.
- 3.The Tahsildar,
Pallavaram Taluk,
(Formerly Sriperumbudur Taluk)
Municipal Office Complex,
Chrompet, Chennai 600 044.
- 4.The Member-Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to restore the Village Pond of a total extent of 2.03 acres in Survey no.562/A of Nandambakkam Village, Pallavaram Taluk, Kancheepuram District, after removing all the encroachments therein, within a time frame to be prescribed by this Court.

For Petitioner : Mr.V.B.R.Menon

Party-in-person

For Respondents : Mr.M.K.Subramanian

Govt. Pleader for RR 1 to 3

: Mr.N.Sampath for R-4

* * * * *

O R D E R

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

The petitioner has invoked G.O. (Ms.) No.540, dated 04.12.2014, qua a village pond to the extent of 2.03 acres in Survey No.562/A of Nandambakkam Village, Pallavaram Taluk, Kancheepuram District, but it appears that the mechanism set forth by the G.O. has failed, as neither was action taken on the original complaint nor by the appellate authority. This is not the first case which is coming before us where the process established under the G.O. is not followed and it becomes a fruitless exercise as no action is taken. The G.O. was issued in pursuance to certain directions of the Court to take away unnecessary litigation from the Court dealing with administrative issue of encroachment on public land, but it appears that the intent of the State Government, as reflected in the G.O., is not being followed at the ground level.

2.We, thus, issue the following directions:

- i. An inspection be caused of the area within a period of fifteen (15) days from the date of receipt of the order and tallied with the revenue records;
- ii. If encroachments are found, action in accordance with law be taken and concluded within a maximum period of two (2) months of the said inspection, after notice to all concerned;
- iii. An affidavit be filed explaining the failure of the mechanism set forth in G.O. (Ms.) No.540, dated 04.12.2014, within three (3) days from today.
- iv. The G.O. be re-circulated to each authority who has to deal with such complaints as well as to appellate authority and be given wide publicity through different mediums.

3.Writ petition is, accordingly, disposed of. No costs.

4.List for compliance on 06.01.2017.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Principal Secretary to Govt.,
Revenue Department,
Fort St. George, Secretariat,
Chennai 600 009.
- 2.The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram-631 501.
- 3.The Tahsildar,
Pallavaram Taluk, (Formerly Sriperumbudur Taluk)
Municipal Office Complex,
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- 4.The Member-Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

Copy to:
The Section Officer,
Writ Section, High Court, Madras.

+1 cc to Mr.V.B.R.Menon, Party in Person, sr.70708.

rj(co)
krd 8/12

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