

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.42032 of 2016

and W.M.P.No.35966 of 2016

P.Mohanraj,
Managing Director, M/s.Diamond
Engineering Chennai P. Ltd.,
Chennai. ... Petitioner

-vs-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar
Thiruporur Taluk,
Kancheepuram District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the records relating to the notice dated 14.11.2016 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.J.Pothiraj
For Respondents : Mr.T.N.Rajagopalan
Spl.G.P.

O R D E R

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

The larger controversy in the present petition arises from the petitioner company running a factory where some unauthorised construction was made. This unauthorised construction has been made on a water channel. The area is owned by the Government. The endeavour of the petitioner to get the land conveyed at market value to him was rejected by the State Government earlier on 13.04.2015 and rightly so, in our opinion.

2.We are of the view that there can be no question of the Government being compelled to convey a water channel area to the petitioner to cover the illegality of unauthorised construction in the water channel by the petitioner. In fact, multifarious proceedings have been launched, while the issue is quite simple. In view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, rep. by its Secretary and others, reported in 2015-5-L.W. 397, the area has to be maintained as a water channel.

3.We are, thus, of the view that all the proceedings emanating from this issue must be closed and the petitioner is granted one month's time to clear of the encroachment on the water channel, failing which the authorities can forthwith remove the same and shall do so within a month thereafter, in case of default. An inspection of the area to be made by the respondent authorities after one month.

4.The appellate authority / District Collector be informed of the aforesaid order.

5.Writ petition is, accordingly, dismissed. No costs. Consequently, W.M.P.No.35966 of 2016 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar
Thiruporur Taluk,
Kancheepuram District.

+lcc to Mr.J. Pothiraj, Advocate, S.R.No.70754
+lcc to the Government Pleader, S.R.No.70947

rj (CO)
md(09/12/2016)

W.P.No.42032 of 2016