

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.5163 of 2016

P.Subramanian

... Petitioner

-vs-

1.The State of Tamil Nadu,  
rep. By its Secretary,  
Revenue Department,  
Fort St. George, Chennai.

2.The State of Tamil Nadu,  
rep. By its Secretary,  
Public Works Department,  
Fort St. George, Chennai.

3.The District Collector,  
Salem District, Salem.

4.The Commissioner of Corporation,  
Salem Municipal Corporation,  
Salem.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 4 to take all necessary steps to remove the encroachments in the Kollam Kuttai Lake situated in old survey No.18/3 present Town Survey Nos.112/3, 113/3, 114/3, 115/3, 116/3, 120/3, 121, 122 and 123 measuring an extent of 3.31 acres of Kannankurichi Main Road, Hastampatti, Salem and to direct the respondents 1 to 4 to take all necessary steps to remove debris and other wastages found in the said Lake at the earliest as per law.

For Petitioner : Mr.P.Rathinam  
For Respondents : Mr.V.R.Kamalanathan,  
Addl.G.P. for RR 1 to 3  
: M/s.K.Bhuvaneswari for R-4

O R D E R

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

The petitioner makes a grievance of encroachment and unauthorised construction on water area being the Kollam Kuttai lake and submits that after the Full Bench decision in T.K.Shanmugam vs. State of Tamil Nadu, 2015 WLR 1029, there is no discretion left with the respondent authorities other than to take action for removal of encroachments.

2.We direct the third respondent / District Collector to cause a survey to be made of the area to verify the extent of encroachment of water areas. This exercise to be carried out within one (1) month from the date of receipt of the order. Thereafter, the Collector should proceed in accordance with law to get the water areas cleared and the said exercise be also completed within three (3) months thereafter.

3.We clarify that the time period has to be reckoned from the date of receipt of this order.

4.Writ Petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

To

1.The Secretary to Govt. of Tamil Nadu,  
Revenue Department,  
Fort St. George, Chennai.

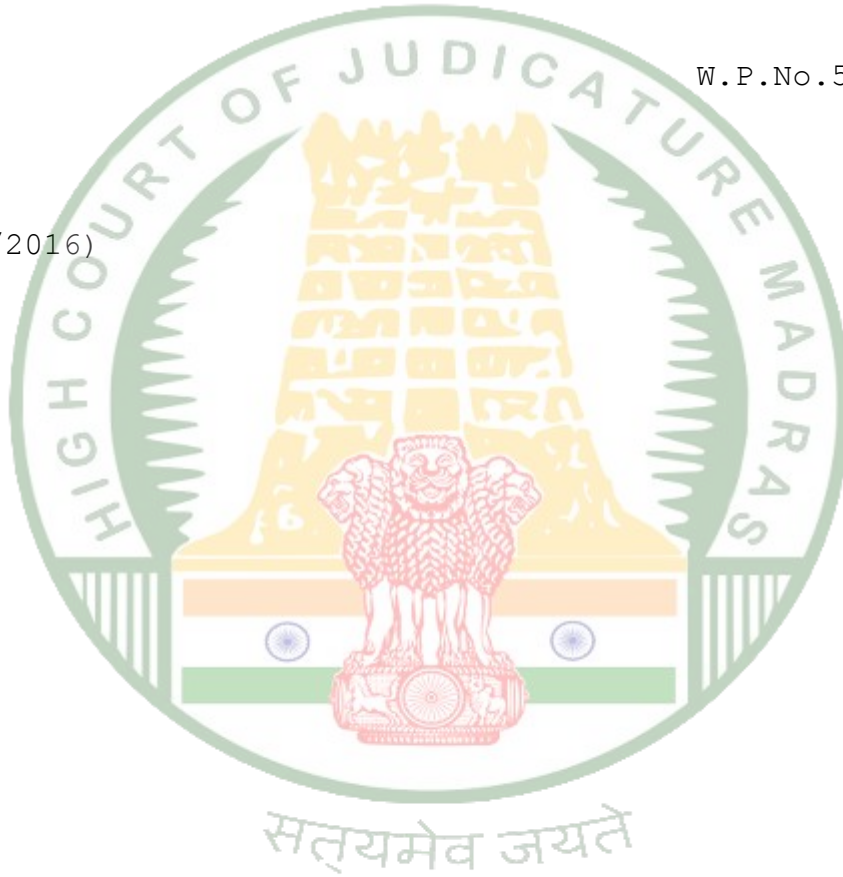
2.The Secretary to Govt. of Tamil Nadu,  
Public Works Department,  
Fort St. George, Chennai.

3.The District Collector,  
Salem District, Salem.

4.The Commissioner of Corporation,  
Salem Municipal Corporation,  
Salem.

W.P.No.5163 of 2016

msm(CO)  
srg(19/02/2016)



WEB COPY