

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.30284/2017 & WMP.No.33006/2017

Kandasamy

..Petitioner

Versus

1.The Collector
Thiruvarur District, Thiruvarur.

2.The Revenue Divisional Officer
Thiruvarur District.

3.The Tahsildar
Nannilam Taluk
Thiruvarur.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to remove the encroachment of water bodies and also desilting the lake in the light of memorandum issued by 2nd respondent in Na.Ka.No.3591/16/A-3 dated 06.01.2017.

For Petitioner : Ms.Suganya

For RR1 to 3 : Mr.A.N.Thambidurai, Spl.Gp

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be a resident of Nannilam, Thiruvarur District. The grievance expressed by the petitioner is that, in and around Nannilam, following lakes are located:-

S.No	Name of the Lake	S.No.	Area
1	Kaluvan Lake	7/1	0.46.00
2	Maduvanesar Lake	80/7	0.74.00

S.No	Name of the Lake	S.No.	Area
3	Rettakulam	87/3A1	1.23.50
4	Sarkarai Lake	94/11C	2.70.50
5	Thachchan Lake	98/1	1.15.00
6	Lake	141	1.56.50
7	Thirukulam	145/1	1.01.00
8	Kuttai	150/17	0.62.00
9	Kuttai	141/1	0.32.00
10	Appan Lake	83/12A	1.10.00
11	Vannankulam	99/11	1.26.00

and the said lakes cater to the need of the agricultural and other purposes and those lakes are not deepened and encroachments are also slowly made and it was brought to the knowledge of the 3rd respondent in the form of representation who vide communication dated 19.11.2015 in O.Mu.No.9313/2015/A-3, has directed the Executive Officer of Nannilam Town Panchayat to take appropriate action and inform the decision taken to the petitioner and the office of the 2nd respondent vide Memorandum bearing No.Na.Ka.No.3091/2016/A3 dated 16.01.2017 has also directed the 3rd respondent to take appropriate action to remove the encroachment in terms of G.O.Ms.No.540, LD[6[2]] Department dated 04.12.2014 and despite such a direction from the superior official, no action has been taken to deepen the lakes/tanks or to remove the encroachments and therefore, the petitioner is constrained to file the present writ petition.

3 The learned counsel for the petitioner has invited the attention of this Court to the judgment rendered by a Full Bench of this Court reported in 2015 [6] CTC 369 [T.K.Shanmugam Vs. State of Tamil Nadu represented by its Secretary to Government, Department of Revenue, Fort St. George, Chennai 600 009] and would submit that once the water body is identified and classified, no encroachment is allowed to take place, even it has become dry and despite such an authoritative pronouncement of the Full Bench of this court, the concerned official respondents have not taken any action to remove the encroachment on the water body and hence, prays for appropriate orders.

4 This Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 3rd respondent to take note of the Memo dated 16.01.2017 in Na.Ka. No.3091/2016/A3 issued by the 2nd respondent

and take appropriate action to deepen and clean the water bodies, if required and to remove the encroachments in accordance with law, after putting the encroachers on notice and the said exercise is to be carried out within a period of twelve weeks from the date of receipt of a copy of this order and the decision in that regard, shall be communicated to the petitioner as well as to the encroachers.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

AP

To

1. The Collector
Thiruvarur District, Thiruvarur.

2. The Revenue Divisional Officer
Thiruvarur District.

3. The Tahsildar
Nannilam Taluk
Thiruvarur.

+1 CC to Govt. Pleader sr 84211.

+1 CC to Mr. A. Ansar, Advocate sr 86074.

सत्यमेव जयते

WP.No.30284/2017

SP(13/12/2017)

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