

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5715 of 2017

V.Chinnaraj

.. Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep by Secretary
Department of Revenue (Land Development)
Fort St George
Chennai-600009
 - 2 The State of Tamil Nadu
Rep by Principal Secretary
Public Works Department
Fort St George, Chennai-600 009
 - 3 The State of Tamil Nadu
Rep by Principal Secretary
Department of Environment and Forest
Fort St George ,Chennai-600 009
 - 4 The District Collector
Collectorate
Thiruvannamalai
Thiruvannamalai District
 - 5 The District Revenue Officer
Tiruvannamalai
Tiruvannamalai District
 - 6 The Tahsildar
Taluk Office
Chengam, Tiruvannamalai District
 - 7 The Block Development Officer
Chengam, Thiruvannamalai District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to take necessary steps to remove the unlawful encroachments based on the petitioner representation dated 25.09.2015 over the writ petition mentioned Cheyyar River in S. No.20 of Kottavoor Village of Kuppanatham Post Paramanandal Madura, Tiruvannamalai District within a stipulated period and thereby restore the already ear marked river as disclosed in the revenue records to its original status as part of Governments rain water harvesting scheme and save Natural Resources.

For Petitioner : Mr.P.S.Kothandaraman

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the respondents.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to take necessary steps to remove the unlawful encroachments based on the petitioner representation dated 25.09.2015 over the writ petition mentioned Cheyyar River in S. No.20 of Kottavoor Village of Kuppanatham Post Paramanandal Madurai Tiruvannamalai District within a stipulated period and thereby restore the already ear marked river as disclosed in the revenue records to its original status as part of Governments rain water harvesting scheme and save Natural Resources.

3. It is the case of the petitioner that Cheyyar river (Survey No.20) is an important seasonal river, that runs through Thiruvannamalai District and it is a tributary of Palar river, a river which originates in Jawadhu Hills and flows through Thiruvannamalai District before emptying into Bay of Bengal. The Cheyyar river is the major source of irrigation for several villages, including the towns of Cheyyar, Vandavasi along its bank. It is the further case of the petitioner that Cheyyar river has been encroached by the encroachers and they also suck water from the river by using oil engine. Due to the

encroachments, the river lost its original status and the ground water level also decreased. Earlier, several representations were made by the villagers to remove the encroachments. But the authorities have not taken any action. The petitioner has made representation on 25.09.2015. Despite receipt of the same, the respondent/authorities have failed to take action.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. The learned counsel for the petitioner submits that several persons have encroached upon Cheyyar river in Survey No.20 and despite the same being brought to the knowledge of the respondent/authorities, they have not taken any action.

6. The learned Special Government Pleader submits that the petitioner has not given any details about the encroachments. In the representation of the petitioner dated 25.09.2015, it has been stated that the encroachments are in Cheyyar river in Survey No.21. In the present petition, it has been stated that encroachments in Cheyyar river in Survey No.20. Thus, there is a contradiction in the Survey Number.

7. We find that the writ petition is devoid of any material particulars. When the petitioner seeks removal of encroachments by invoking PIL jurisdiction, he is duty bound to give the details of the encroachments and names of the encroachers. It is to be noted that in the representation of the petitioner said to have been addressed to the respondent/authorities dated 25.09.2015, it has been stated that encroachments are in Cheyyar river in Survey No.21, whereas in the present petition the petitioner alleged that encroachments are in Cheyyar river in Survey No.20. Thus, there is discrepancy in the Survey Number.

8. If really the petitioner is interested in the public cause, he has to first do the exercise of ascertaining/collecting the details of alleged encroachments in Cheyyar river and submit the same to the respondent/authorities and thereafter, the respondent/authorities will take care of the issue.

7. The writ petition is dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1 The Secretary
Department of Revenue (Land Development)
Fort St George, Chennai-600009.
 - 2 The Principal Secretary
Public Works Department
Fort St George, Chennai-600 009.
 - 3 The Principal Secretary
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Taluk Office, Chengam, Tiruvannamalai District.
 - 7 The Block Development Officer
Chengam, Thiruvannamalai District.
- +1 CC to Govt. Pleader , High Court, Madras 104, sr 15031

RSK (CO)
sp/21/3

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