

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble DR.JUSTICE P.DEVADASS

W.P. No.10844 of 2017

V.Ravikumar ... Petitioner

-vs-

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Tahsildar,
Taluk Office,
Vedaranyam, Nagapattinam District.
3. Muthulakshmi ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the house constructed by the third respondent by encroaching the pond called ''Pachan Kulam'' comprised in Village No.34, Vanduvancheri Revenue Village and Panchayat in Government water body porampoke in Survey No.133/1, Thiruthuraipoondi Taluk, Tiruvarur District, so as to have a free ingress and egress to use the pond by village people.

For Petitioner : Mr.S.Nagarajan

For Respondents : Mr.M.K.Subramanian
Govt. Pleader for RR 1 and 2

O R D E R

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

Mr.M.K.Subramanian, learned Government Pleader accepts notice for respondents 1 and 2.

2. The grievance of the petitioner is that respondent no.3 has constructed a house by encroaching the pond, 'Pachan Kulam' comprised in Village No.34, Vanduvancheri Revenue Village and Panchayat, in Survey No.133/1, Thiruthuraipoondi Taluk, Tiruvarur District. Despite representation to the respondents, no action has been taken against respondent no.3.

3. The learned counsel for the petitioner submits that the respondent authorities are duty bound to remove the encroachments from the water bodies in view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 (6) CTC 369.

4. On hearing the learned counsel for parties, we direct the first respondent / District Collector, Nagapattinam District, to look into the issue raised by the petitioner, inspect the premises and take necessary steps keeping in mind the aforesaid judicial pronouncement in case encroachments are found to have been made into a water body. The District Collector, Nagapattinam District shall take a decision within a maximum period of two months from the date of receipt of copy of this order.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Nagapattinam District,
Nagapattinam.
 2. The Tahsildar,
Taluk Office, Vedaranyam,
Nagapattinam District.
- +1 CC to Mr.S. Nagarajan, sr 26235

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BR(CO)
sp/12/5