

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.12.2017

CORAM:

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

WP No.32382 of 2017 and WMP No.35674 of 2017

M.Venkatesh Perumal

..Petitioner

Vs

1. The District Collector,
Chennai District,
Singaravelar Maaligai, Rajaji Salai,
Chennai - 600 001.

2. The Thasildar
Perambur Taluk
Perambur Taluk Office
Chennai - 600 011.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari directing the respondents to initiate steps to remove the encroachments in the water body i.e., pond to an extent of 3 acres in survey no 66/2 in Zone 4, Division 34, Kadumbadi Mariamman Kovil of Perambur Constituency, Chennai and thereby restore the water body.

For petitioner : Mr.S.M.Velmurugan

For Respondents : Mrs.M.E.Rani Selvam

Additional Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs. M.E.Rani Selvam, learned Additional Government Pleader, accepts notice for respondents.

2 The petitioner claims to be a Member of "Pattali Makkal Katchi" (PMK) and has filed this Writ petition as a Public Interest Litigation stating among other things that he is a resident of Perambur Constituency and in Zone 4, Division 34 of

the said Constituency, at Kadumbadi Mariamman Kovil Street, a water body was in existence admeasuring to an extent of 3 acres and it was in survey No.66/2. The petitioner would further aver that on account of illegal encroachments, the water body got vanished and taking advantage of the laxity on the part of the concerned officials, the encroachment has been made and not stopping with that, an encroacher has divided the land which was original existed a water body, as sets and also putting up construction without any authorization whatsoever and in this regard, the petitioner submitted a representation on 11.10.2017, collector of Chennai District and though it was received and acknowledged on the same day, no response is forth coming and hence, came forward to file this writ petition.

3 The Court heard the submissions of the learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner one more representation to the 2nd respondent along with the copy of this order and also enclosing relevant and authenticated documents as to the proof of the existence of the water body on the land in question within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent with the help of the jurisdictional Surveyor and also looking into the relevant revenue records, shall cause inspection and depending upon the result of the same consider and dispose of the representation to be submitted by the petitioner, on merits and in accordance with law within a further period of twelve weeks thereafter and communicate the decision to the petitioner.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

kv

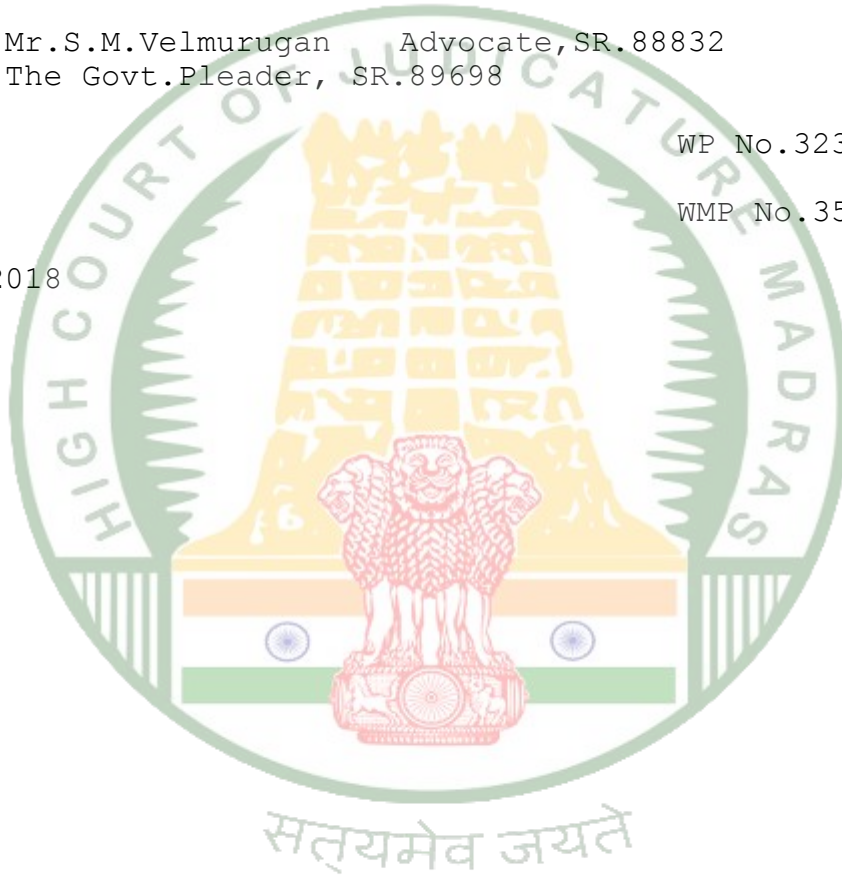
To

1. The District Collector,
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Singaravelar Maaligai, Rajaji Salai,
Chennai - 600 001.
2. The Thasildar
Perambur Taluk
Perambur Taluk Office
Chennai - 600 011.

+ 1 cc to Mr.S.M.Velmurugan Advocate, SR.88832
+ 1 cc to The Govt.Pleader, SR.89698

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nr 03/01/2018



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