

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.1252 of 2017
and
W.M.P.No.1178 of 2017

M.Ilancheran

... Petitioner

Vs.

1. The District Collector
Dharmapuri District.

2. The Thasildar
Taluk Office
Pappireddipatti Taluk
Dharmapuri District.

3. The Block Development Officer
Pappireddipatti Taluk
Dharmapuri District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 1 to 3 herein to remove all the encroachments made in any form in the big lake in SF No.179 of A.Pallipatti Panchayat of Pappireddipatti Taluk, Dharmapuri District and its feeding channels within a stipulated time.

For Petitioner

: Mr.C.Rajasekaran

For Respondents

: Mr.M.K.Subramanian
Government Pleader

ORDER

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

Notice, which is accepted by the learned Government Pleader on behalf of the respondents.

2. The grievance made in this writ petition is two-fold: (i) that a road is sought to be laid in part of S.F.No.179 of A.Pallipatti Panchayat of Pappireddipatti Taluk, Dharmapuri District, which is actually a lake measuring 100 Acres, for which representation was made on 22.7.2016; and (ii) that no action has been taken against unauthorized construction made in the lake area, for which apparently some suits were filed.

3. The learned counsel for the petitioner submits that the respondents are duty bound to remove the encroachments from the water bodies and no pattas can be issued to anyone in view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 WLR 1029. It is also his contention that the suits filed are not maintainable in view of the judgment in Consumer Action Group v. The State of Tamil Nadu, 2006 (4) CTC 483. In this context, he also pleads that apparently some of the suits have been dismissed, but one may be pending.

4. On hearing learned counsel for parties, we direct the District Collector/first respondent to look into both the issues and take necessary steps keeping in mind the aforesaid judicial pronouncements. Some urgency is expressed on account of the fact that the construction of the road is in progress and 50% of it is already done. Thus, the District Collector/first respondent would bestow consideration and take a decision within a maximum period of two months from the date of receipt of the order.

The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.1178 of 2017 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
Dharmapuri District.
2. The Thasildar
Taluk Office
Pappireddipatti Taluk
Dharmapuri District.

3. The Block Development Officer
Pappireddipatti Taluk
Dharmapuri District.

+1cc to Mr.C.Rajasekaran, Advocate, S.R.No.3472
+1cc to the Government Pleader, S.R.No.3532

W.P.No.1252 of 2017

SV(CO)
CA(30/01/2017)



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