

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.33697/2017

Rathinasamy

..

Petitioner

Vs

1. The State of Tamil Nadu
Rep by its Secretary
Department of Public Works
Fort St.George,
Chennai-600009.

2. The District Collector,
Erode District, Erode.

3. The District Revenue Officer,
Erode District. Erode.

4. The Municipal Commissioner,
Erode Municipality, Erode.

5. The Assistant Municipal Commissioner
Regional - 2,
Erode Municipality, Erode.

6. P.K.Duraisamy

.. Respondents

सत्यमेव जयते

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus direct the respondents from 1 to 5 to take action to remove the encroachment on the water body of Gani Rawther Tank situated in R.S.No.193 at Periyasemur Village, Erode Taluk, Erode District pursuant to petitioner representation dated 09.10.2017.

For Petitioner	: Mr.R.Thirumoorthy
For R-1 to R-3	: Mr.M.Digvijaya Pandian, AGP
For R-4 & R-5	: Ms.P.Shanthi

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Ms.P.Shanthi, learned Standing counsel accepts notice on behalf of the respondents 4 and 5.

2 The petitioner has filed the present writ petition as Public Interest Litigation, stating that an Association, viz., "Kanirawther Kulam Association" was formed to protect the water body for the purpose of drinking water purpose as well as agricultural activities. According to him, there are encroachments in the water body, viz., Gani Rawther Tank, situate in RS.No.193 at Periyasemur Village, Erode Taluk and District and the petitioner in this regard, has submitted a representation dated 09.10.2017 and despite receipt and acknowledgement, so far no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the notice dated 02.01.2015 in ROC.No.1266/2014 ELPA-2, issued by the Principal Secretary [Incharge], Erode Local Planning Authority, Erode and would submit that the private respondents were put on notice as to the locking and sealing of the premises on the ground that they have not furnished the approved plan and thereafter, no further progress is taking place and in this regard, the petitioner has also submitted a representation dated 09.10.2017 to the 2nd respondent with a copies marked to the respondents 3 to 5 and in spite of receipt and acknowledgment, no action has been taken so far and hence, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 The Court heard the submissions of Mr.M.Digvijaya Pandian, learned Additional Government Pleader appearing for the respondents 1 to 3 and Ms.P.Shanthi, learned Standing counsel appearing for the respondents 4 and 5 and also 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 and without going into the merits of the claim projected by the petitioner, directs the Principal Secretary [Incharge], Erode Local Planning Authority, Erode, to take appropriate follow up action pursuant to the notices dated 16.12.2014 and 02.01.2015 made in RCO.No.1266/2014 ELPA-2

respectively, after putting on notice the 6th respondent herein and the said exercise to the completed within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 6th respondent herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

To

1. The Secretary
State of Tamil Nadu
Department of Public Works
Fort St.George,
Chennai-600009.
 2. The District Collector,
Erode District, Erode.
 3. The District Revenue Officer,
Erode District. Erode.
 4. The Municipal Commissioner,
Erode Municipality, Erode.
 5. The Assistant Municipal Commissioner
Regional - 2,
Erode Municipality, Erode.
- + 1 cc to Mr.R.Thirumoorthy Advocate,SR.91993
- + 1 cc to The Govt.Pleader, SR.92481

nr 18/01/2018

W.P.No.33697/2017