

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.26025 of 2017

M.Mohammed Jafar Ali .. Petitioner

Vs.

- 1 The District Collector
Coimbatore District
Coimbatore - 641 018.
- 2 The Commissioner
Coimbatore Municipal Corporation
Coimbatore - 641 001.
- 3 The Revenue Divisional Officer
Coimbatore South
Coimbatore - 641 018. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to demolish the unauthorized constructions being made by private persons upon the Noyyal River and also upon the Punga Nagar Road in Ward No.86 of the Coimbatore Municipal corporation and to prevent further unauthorised constructions based upon the representations of the petitioner dated 24.3.2017.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.C.Jagadish
Special Government
Pleader
for respondents 1 to 3

Mr.Saravanan
for 2nd respondent

ORDER

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

This writ petition is directed against the encroachment of about 10000 Sq. Ft. of land on the Noyal River Bank in the Punga Nagar Road in Ward No.86, Coimbatore South Circle in Coimbatore District.

2. It appears from a notification of the Revenue Divisional Officer, Coimbatore South, dated 13.4.2017, that unauthorized construction on 10,000 Sq. Ft., by encroaching upon Noyyal River Bank, is blocking the road. Action has been recommended for removal of the encroachment upon inspection and field survey of the encroached area.

3. It is well settled that there can be no encroachment of water bodies in the light of the decision of the Full Bench of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 WLR 1029.

4. G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 4.12.2014, prescribes the procedure to be followed for removal of encroachments on water bodies.

5. After hearing the respective parties, the writ petition is disposed of by directing the respondent authorities to forthwith remove encroachment in question on the Noyyal River Bank in accordance with law, in the light of G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 4.12.2014 at the earliest. Action shall positively be taken within three months from today.

The writ petition is disposed of accordingly. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

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Sub Assistant Registrar

sasi

To:

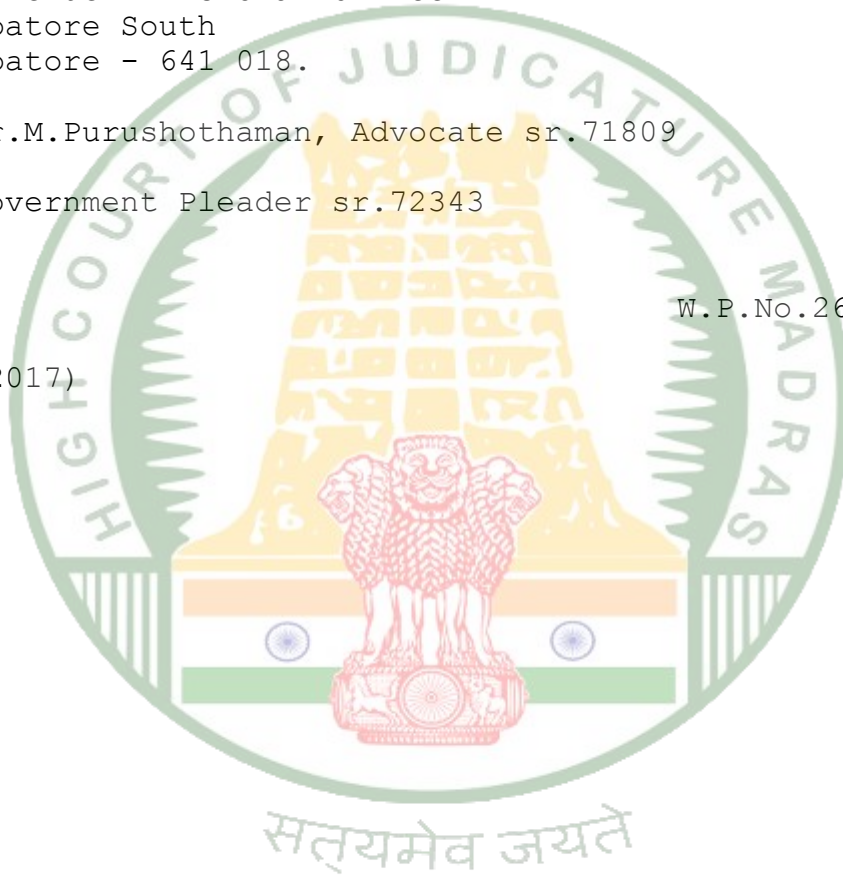
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+2cc to Mr.M.Purushothaman, Advocate sr.71809

+1cc to Government Pleader sr.72343

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ss(12/10/2017)



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