

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.26037 of 2017

C.Durairaj ... Petitioner

Vs.

- 1 The District Collector
Cuddalore District
Cuddalore.
- 2 The Revenue Divisional Officer
Cuddalore District
Cuddalore.
- 3 The Tahsildar
Taluk Office
Kurinjipadi
Cuddalore District.
- 4 The Assistant Engineer
Public Works Department
Kurinchipadi
Cuddalore District.
- 5 The Executive Officer
Kurinjipadi Town Panchayat
Kurinjipadi
Cuddalore 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 dispose of representation preferred by the petitioner dated 12.07.2017 in the light of the Letter Na.Ka.No.A1/4415/2016, dated 11.08.2017, issued by the 3rd respondent and also in G.O.Ms. No.540, dated 04.12.2014.

For Petitioner : Ms.H.Hamsa

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

(Order of the Court was made by M.Sundar,J.)

This writ petition pertains to alleged encroachment in a water body. Alleged encroachment is in Survey Nos.3/5, 2/11 admeasuring 67 Acres or thereabouts in Ellappankottai Revenue Village, Kurinjipadi Taluk, Cuddalore District.

2. Learned Government Pleader (in-charge), Mr.T.N.Rajagopalan, accepts notice on behalf of all the five respondents.

3. Learned Government Pleader (in-charge) submits that the jurisdictional Tahsildar (who is respondent No.3 before us) has already made a survey and found that there are encroachments, he goes onto say that the encroachers have also been identified and a list of encroachers has been made. As of now, there are 21 encroachers in the aforesaid land, which admittedly is a water body.

4. Learned Government Pleader (in-charge) would also submit that removal of encroachment has to necessarily be done and there has to be some co-ordination between the Public Works Department and the Local Authority in this regard, which according to him is underway. Irrespective of whether the Public Works Department (respondent No.4 before us) or the Local Authority (respondent No.5 before us) initiates action for removal of encroachment, there is no dispute before us that the encroachment has to necessarily be removed. We are assured that the same will be done at the earliest.

5. We have recorded the aforesaid submissions of the learned Government Pleader (in-charge).

6. As it is encroachment in water body, the Full Bench decision of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 WLR 1029 and G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 4.12.2014 would apply to the instant case.

7. Respondents 4 and 5 shall co-ordinate as amongst themselves and ensure that the aforesaid encroachments are removed in accordance with law, as expeditiously as possible, and in any event within three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.27636 of 2017 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Cuddalore District
Cuddalore.
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Cuddalore District
Cuddalore.
- 3 The Tahsildar
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Kurinjipadi Town Panchayat
Kurinjipadi
Cuddalore District.

+1cc to Mr.A.Ansar, Advocate Sr. 72331
+1cc to the Government Pleader Sr. 72344

W.P.No.26037 of 2017

AR (IV)
VR(26/10/2017)