

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

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

W.P.No.27586 of 2017

T.Thiruvengadam

... Petitioner

vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Thiruvallore District,
Thiruvallur.

3.The Tahsildar,
Thiruvallore Taluk,
Thiruvallur.

4.The Executive Engineer,
Public Works Department,
Thiruvallur.

.... Respondents

Prayer:- Writ Petition has been filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 03.01.2017 for initiating action against the encroachers in accordance with law within the time stipulated by this Court and to remove the encroachment including the superstructure made in the water course, Channel, Cannal and stream in Government land bearing Survey Nos.255/15 & 221/1 at Pakkam "A" Village, Thiruvallur Taluk & District expeditiously in accordance with law.

For Petitioner : Mr.K.Balaji

For Respondents: Mr.M.Digvijay Pandian, AGP

O R D E R

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijay Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims that he is having ancestral agricultural lands admeasuring to an extent of 9.5 acres comprised in S.Nos.235, 251, 252, 253, 254 and 258 situate at Pakkam A Village, Thiruvallur Taluk and District and on the said lands, he is cultivating paddy and other crops and according to him, the said agricultural income is the sole source of his livelihood. The petitioner would further aver that agriculturists in Pakkam Village are depending upon the water collected in the lake during raing and other seasons and utilising the same for irrigation and agricultural purposes and the said water course is running through S.Nos.255/15 and 222/1 and both the lands admeasuring to an extent of 0.14.0 ares and 14 cents respectively and as per the records, the said water course run upto Puzhal lake which is the main source of water supply to the City of Chennai. It is the categorical stand of the petitioner that there are very many encroachments in the water stream in S.No.255/15 and 222/1 and the said fact has also been brought to the knowledge of the Revenue Divisional Officer, Tiruvallur, who vide communication dated 20.02.2017 in Na.Ka.No.286/2017/A2 has directed the 3rd respondent to take into consideration, G.O.Ms.No.540, Revenue Department, dated 04.02.2014 and take appropriate action in accordance with law and send a report.

3 The 3rd respondent, in turn, has sent a communication dated 25.05.2017 in Na.Ka.No.1361/2017/A2 pointing out that since the lands in which the water course runs belong to the Public Works Department, requested him to take appropriate action. The Assistant Engineer, PWD, Irrigation Division [Sention I], Tiruvallur, has sent a communication to the 3rd respondent on 19.06.2017 in Letter No.Ko.U.P.1/2017 requesting him to survey and measure the lands so as to enable them to take appropriate action. The 3rd respondent finding it difficult to measure the lands on account of the resistance by the encroachers, sent a letter dated 18.07.2017 in Na.Ka.No.1361/2017/A2 to the Deputy Commissioner of Police, Avadi, Chennai, praying for adequate police protection. The 3rd respondent also sent a further communication dated 21.08.2017 to the 4th respondent enclosing Form-II and sketch for taking appropriate action.

4 The learned counsel for the petitioner would submit

that as per the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the Rules framed thereunder, the 4th respondent is competent to take appropriate action and therefore, prays for appropriate orders.

5 Per contra, the learned Additional Government Pleader appearing for the respondents would submit that since the Tahsildar, has sent Form-II as well as the Sketch to the 4th respondent, the 4th respondent will appropriate action in accordance with the provisions of the above said Act.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 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 respondents 2 to 4 to coordinate with each other and the 4th respondent, after putting the encroachers on notice, shall proceed in terms of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, and the Rules framed thereunder and take appropriate action in accordance with law within a period of ten 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 encroachers.

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

9 List on 04.01.2018 for filing compliance / status report by the 4th respondent.

Sd/-
Assistant Registrar(CS VIII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

AP

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Thiruvallure District, Thiruvallur.

WEB COPY

3.The Tahsildar,
Thiruvallore Taluk, Thiruvallur.

4.The Executive Engineer,
Public Works Department,
Thiruvallur.

Copy to

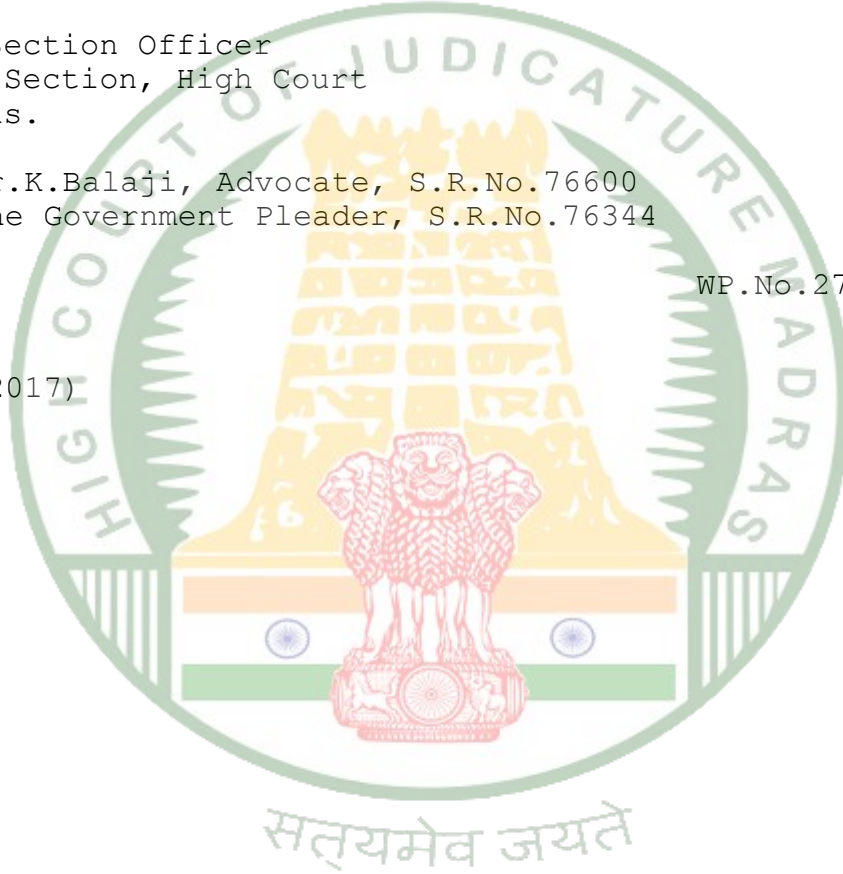
[1] The Deputy Commissioner of Police
Old Municipality Building, 1st Floor
Avadi, Chennai-54.

[2] The Section Officer
Writ Section, High Court
Madras.

+lcc to Mr.K.Balaji, Advocate, S.R.No.76600
+lcc to the Government Pleader, S.R.No.76344

WP.No.27586 of 2017

NM(CO)
GN(17/11/2017)



WEB COPY