

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE M.SUNDAR

W.P.No.17905 of 2017

S.Viswanathan

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Cheyyar-604 407
Tiruvannamalai District.
3. The Tahsildar,
Vandavasi Taluk,
Vandavasi, Tiruvannamalai District.
4. The Assistant Engineer (PWD),
Water Resources Organisation (WRO),
Public Works Department,
Vandavasi-604 408.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to complete the eviction proceedings already initiated with respect to the encroachments made in Lake poramboke lands comprised in S.Nos.271/1 and 127/2, Keezhkodungalur Village, Vandavasi Taluk, Tiruvannamalai District as per the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondents : Ms. Vasudha Thiagarajan,
Additional Government Pleader
for RR1 to 3

ORDER

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

This writ petition is directed against the failure and / or refusal of the respondent authorities to remove the encroachments in Keezhkodungalur lake and Chitteri lake in Tiruvannamalai district.

2. The petitioner had earlier filed a writ petition being W.P.No.26745 of 2012 in this Court for a direction on the respondent Nos.1 to 3 herein to consider the representation of the petitioner for removal of the encroachments and to take action thereon.

3. The said writ petition No.26745 of 2012 was disposed of by an order dated 3rd October 2012, whereby the petitioner had been directed to submit a fresh representation to the third respondent. The third respondent was directed to initiate appropriate proceedings. It is stated that after the petitioner sent a further representation, the fourth respondent issued a notice dated 15 October 2013 for eviction of the encroachments. The encroachers, however, filed a writ petition being W.P.No.30947 of 2013 in this Court challenging the notice. By an order dated 19th November 2013, the writ petition filed by the encroachers was disposed of with a direction on the encroachers to submit their objections and with further direction on the fourth respondent to consider those objections and pass appropriate orders.

4. By an order dated 23rd January 2014, the fourth respondent rejected the objections of the encroachers, whereupon the encroachers filed a writ petition challenging the decision of the fourth respondent. Diverse orders were from time to time passed in the writ petition. However, ultimately the writ petition filed by the encroachers was dismissed. This Court also directed the respondents to comply with the earlier orders of this Court and to complete the eviction proceedings within the time stipulated by this Court.

5. It is true, as argued by the learned counsel appearing on behalf of the respondents, that there were impediments to compliance with the direction for removal of encroachments in view of intervening writ petitions. However, it is not in dispute that the writ petitions of the encroachers have been dismissed. There is no impediment now to compliance with the earlier directions of this court issued on 26th February 2015. We, therefore, dispose of this writ petition by directing the respondents to forthwith take steps in accordance with law for removal of the encroachments in Keezhkodungalur lake and Chitteri lake and in any case within a period of three (3) months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

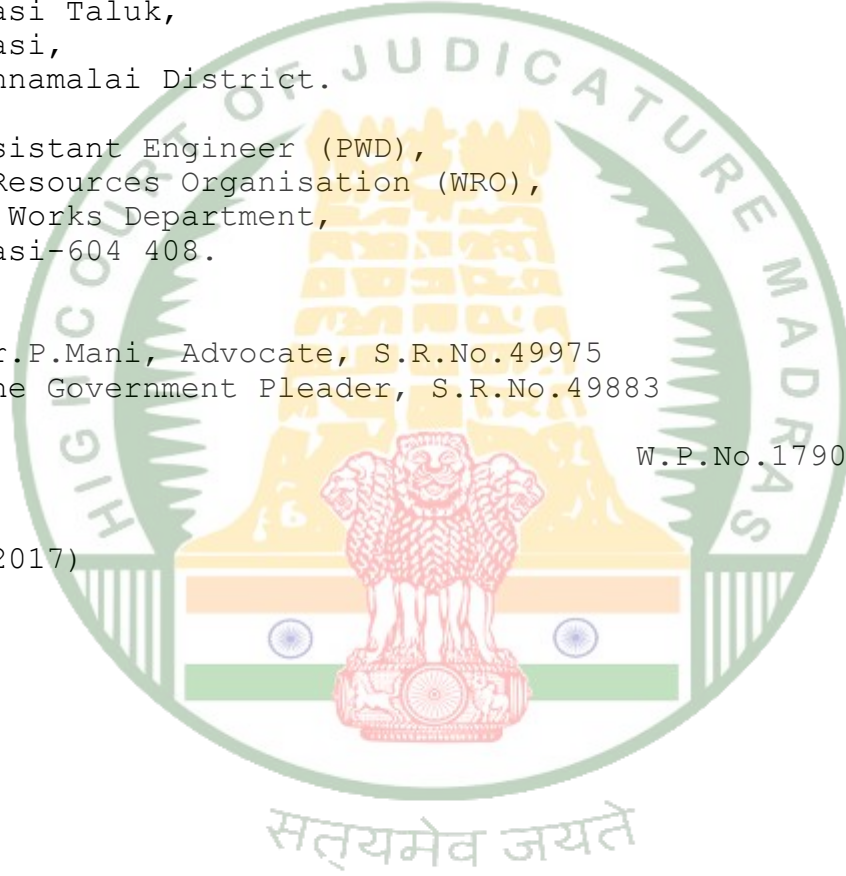
1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Cheyyar-604 407
Tiruvannamalai District.
3. The Tahsildar,
Vandavasi Taluk,
Vandavasi,
Tiruvannamalai District.
4. The Assistant Engineer (PWD),
Water Resources Organisation (WRO),
Public Works Department,
Vandavasi-604 408.

+1cc to Mr.P.Mani, Advocate, S.R.No.49975

+1cc to the Government Pleader, S.R.No.49883

W.P.No.17905 of 2017

AR CCC
CA(02/08/2017)



WEB COPY