

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10075/2018 & WMP.No.12034/2018

Cholambedu Village People Welfare Association
rep.by its President, Mr.N.Deivasigamani .. Petitioner

Versus

1.The District Collector
Tiruvallur, Tiruvallur District.

2.The District Revenue Officer,
Tiruvallur, Tiruvallur District.

3.The Tahsildar
Ambattur Taluk, Ambattur,
Chennai 600 053.

4.C.Vijayakumar ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing to evict the 4th respondent from his encroachment in the land comprised in Survey No.572, situated in Old No.51, New No.16, Manikandapuram, Tirumullaivoyal Village, Ambattur Taluk, Tiruvallur District, Chennai-112, and consequently direct the respondents 1 to 3 herein to clean the said land in S.No.572, situate in Old No.51, New No.16, Manikandapuram, Tirumullaivoyal Village, Ambattur Taluk, Tiruvallur District, Chennai-112, by putting up the fence in and around the entire land to protect the said land from other encroachers.

For Petitioner : Mr.Ilanthiraiyan for
Mr.T.Saikrishnan

For RR 1 to 3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims to be an agriculturist and also the President of Cholambedu Village People Welfare Association, came forward to file the present writ petition, styled as "Public Interest Litigation", alleging that the main water source for their village at Tirumullaivoyal is "Kanakka Pillai Kuttai", which is spread over in the area of 1 acre 68 cents and the Village Accounts of the said village also evidence the said effect. The grievance expressed by the petitioner is that the 4th respondent who is under the garb of running a Timber shop in the name and style of Vineetha Timber and Thangam Hardware, at Door No.36, CTH Road, had encroached upon a part of the said water body in S.No.572. In this regard, repeated representations as well as legal notices have been sent to the concerned respondents and in spite of receipt and acknowledgment, no action has been taken so far and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 Mr.Ilanthiraiyan, learned counsel appearing for Mr.T.Saikrishnan, learned counsel for the petitioner would submit that despite sending Legal Notice dated 04.07.2016 followed by the representations dated 27.10.2016 ; 07.11.2016 and 26.12.2016, to the concerned respondents, no effective action has been taken so far and left with no other option, the petitioner is before this Court.

4 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

5 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the 3rd respondent to put the petitioner as well as the 4th respondent on notice and cause inspection of the land in S.No.572 of Tirumullaivoyal, Chennai-62, as per the revenue records to find out whether it is the water body and any encroachments are there. The said exercise is to be carried out within a period of six weeks from the date of receipt of a copy of this order and depending upon the survey and inspection, shall submit a report to the 2nd respondent, in the event of encroachments are found and the 2nd respondent upon receipt of the same, is directed to consider the report and shall take appropriate action in accordance with law, after

putting the concerned person/s or encroachers on notice and the said exercise is to be completed within a period of ten weeks from the date of receipt of the report from the 3rd respondent herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Tiruvallur, Tiruvallur District.

2.The District Revenue Officer,
Tiruvllur, Tiruvallur District.

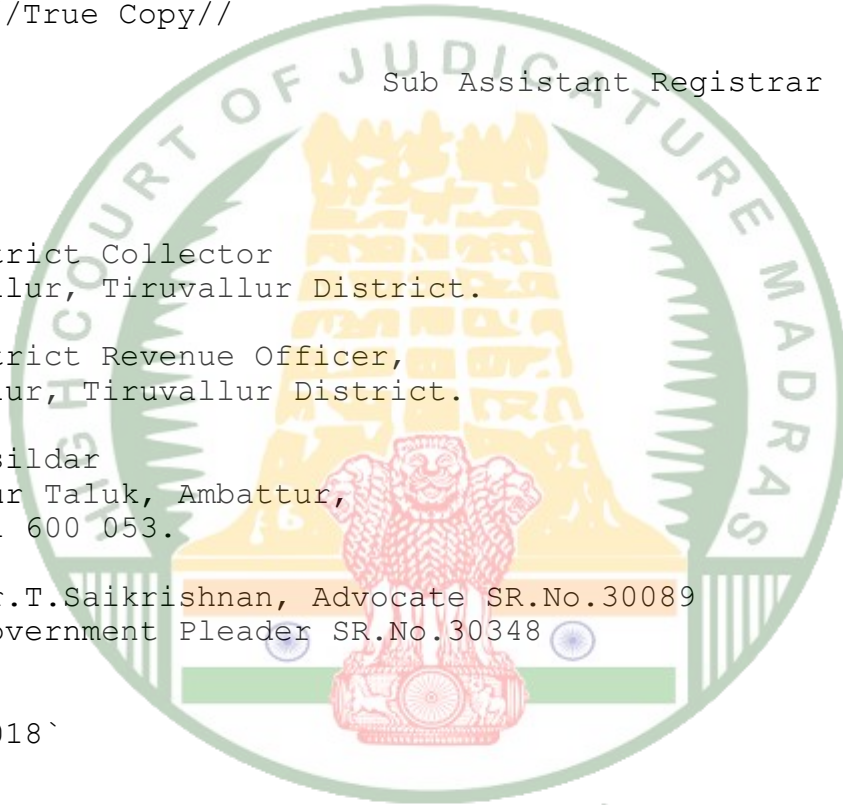
3.The Tahsildar
Ambattur Taluk, Ambattur,
Chennai 600 053.

+1cc to Mr.T.Saikrishnan, Advocate SR.No.30089

+1cc to Government Pleader SR.No.30348

Rk(CO)

sm:15.5.2018`



सत्यमेव जयते

WP.No.10075/2018

WEB COPY