

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2018

CORAM

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

WP.No.9223/2018

S.R.K.Manogaran

.. Petitioner

Versus

1.The District Collector
Thiruvallur District,
Thiruvallur.

2.The District Revenue Officer
Thiruvallur District,
Thiruvallur.

3.The Revenue Divisional Officer
Thiruvallur District,
Thiruvallur.

4.The Tahsildar
Avadi Taluk, Avadi
Chennai 600 054.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 4th respondent to implement the order of the 3rd respondent by its proceedings in No.Na.Ka.No.2839/2017/A2 dated 20.12.2017 for removing the encroachment for the best interest of the public.

For Petitioner : Mr.V.V.Srinivasan

For R1 to R4 : Mr.R.Udhayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner claims to be a practising Advocate and also a resident of Mosque Street, Defence Enclave, IAF, Avadi, Chennai 600 054, came forward to file the present writ petition styled as Public Interest Litigation, alleging that there is a water channel called "Palavedu Lake Water Channel" situate in Village Survey No.7/1 and TS.No.90, which runs from East to West, covering an area of 0.21.0 Ares, or about 22605 sq.ft. and both sides of the channel had been encroached by the private individuals as well as by one A.M.S.Engineering College, reducing the width of the Channel to a greater extent. The encroachers and other residents of the Locality had also started getting sewage water into the said water channel and in this regard, very many representations have also been submitted to the concerned respondents.

3 The learned counsel for the petitioner would submit that the 3rd respondent, vide communication dated 13.10.2017 in Na.Ka.No.2627/2017/A2, has directed the 4th respondent to look into the representation submitted by the petitioner and take action in terms of G.O.Ms.No.540, Revenue [LD-6[2]] Department, dated 04.12.2014 and the said official, in turn, vide communication dated 07.11.2017 in Na.Ka.No.2994/2017/Aa1, requested the Special Tahsildar, Land Tax Scheme, Avadi, Chennai 600 054, to conduct an enquiry and if there are any encroachments, shall inform the same to the Commissioner, Avadi Municipality. The said official, in turn, also sent a communication dated 20.11.2017 in Na.Ka.No.8032/2017/F2, to the 4th respondent to intimate the date on which the alleged encroachments are to be removed, so that necessary facilities will be provided for removal of the same. The grievance expressed by the petitioner is that despite very many communications sent, the concerned officials failed to respond to the same and left with no other option, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Per contra, the learned Additional Government Pleader appearing for the respondents has invited the attention of this Court to the communication of the 3rd respondent dated 20.12.2017 in Na.Ka.No.2839/2017/A2 and would submit that the water channel is being maintained by the Water Resource Organization, Public Works Department and they have not been arrayed as a party and hence, the relief sought for by the petitioner may not be granted.

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

6 Though the petitioner had prayed for a larger relief, this Court, in the light of above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the Executive Engineer, Public Works Department, Water Resource Organization, Tiruvallur, the 4th respondent as well as the Commissioner of Avadi Municipality, Avadi, Chennai-54, to cause a joint inspection of the alleged water body existing in S.No.7/1, Mutha Pudupet Village, Avadi Taluk, Tiruvallur District, after putting the petitioner as well as the concerned encroachers and person/s on notice, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law within a further period twelve weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s / encroachers concerned.

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

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

AP
To

- 1.The District Collector
Thiruvallur District, Thiruvallur.
- 2.The District Revenue Officer
Thiruvallur District, Thiruvallur.
- 3.The Revenue Divisional Officer
Thiruvallur District, Thiruvallur.
- 4.The Tahsildar
Avadi Taluk, Avadi
Chennai 600 054.

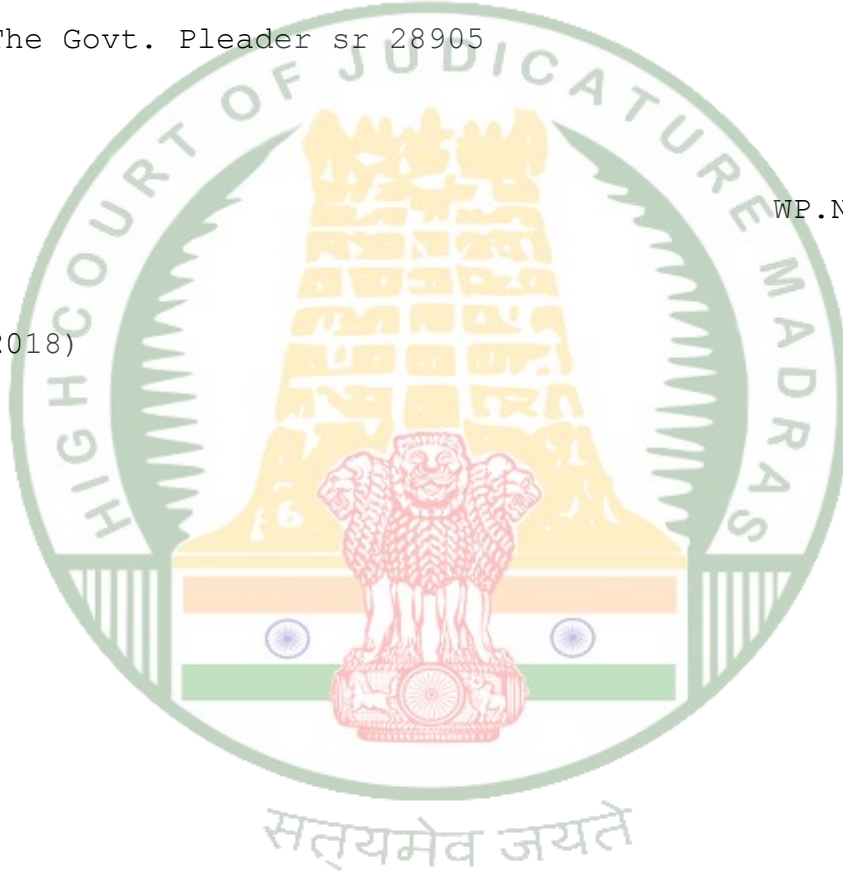
Copy to:-

- 1 The Executive Engineer,
Public Works Department,
Water Resource Organization,
Tiruvallur, Tiruvallur District.
- 2 The Commissioner
Avadi Municipality
Avadi, Chennai 600 054.
Tiruvallur District.

+1 CC to The Govt. Pleader sr 28905

WP.No.9223/2018

SP(24/04/2018)



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