

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10360/2018

Mr.Vijayakumar G.Dhas ... Petitioner

Versus

1.The District Collector
Thiruvallur.

2.The Commissioner
Poonamallee Municipality
Poonamallee, Chennai 600 056. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the 2nd respondent from making any construction in the land classified as pond comprised in TS.No.595/A, Poonamallee Village, Poonamallee Town.

For Petitioner : Ms.V.Sahaana
For R1 : Mr.A.N.Thambidurai, Spl.GP
For R2 : Mr.R.Sivakumar

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 1st respondent and Mr.R.Sivakumar, learned counsel accepts notice on behalf of the 2nd respondent.

2 The present writ petition styled as Public Interest Litigation, is filed by the petitioner who would aver that he is working as Assistant Professor in Anna University and according

to him, there was a pond in TS.No.595/A, Poonamallee Town, Opposite to Christian Cemetery and adjacent to Queen Victoria Road and as per the Sale Deed to his property, the Northern boundary has been shown as "Kuttai" [Pond]. The grievance expressed by the petitioner is that the 2nd respondent, without any concern for environment and protection of the water body, has closed the same and started putting up some construction and in this regard, a representation dated 17.10.2017 was submitted by the petitioner and despite, 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 The Court heard the submissions of the learned counsel for the petitioner ; Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 1st respondent and Mr.R.Sivakumar, learned counsel appearing for the 2nd respondent and perused the materials placed before it.

4 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to cause inspection of the land in TS.No.595/A, Poonamallee Town, which lies opposite to Christian Cemetery and adjacent to Queen Victoria Road, Poonamallee, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall take appropriate action in accordance with law within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-

Assistant Registrar (Audit)

//True Copy//

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Sub Assistant Registrar

AP

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To

1.The District Collector
Thiruvallur.

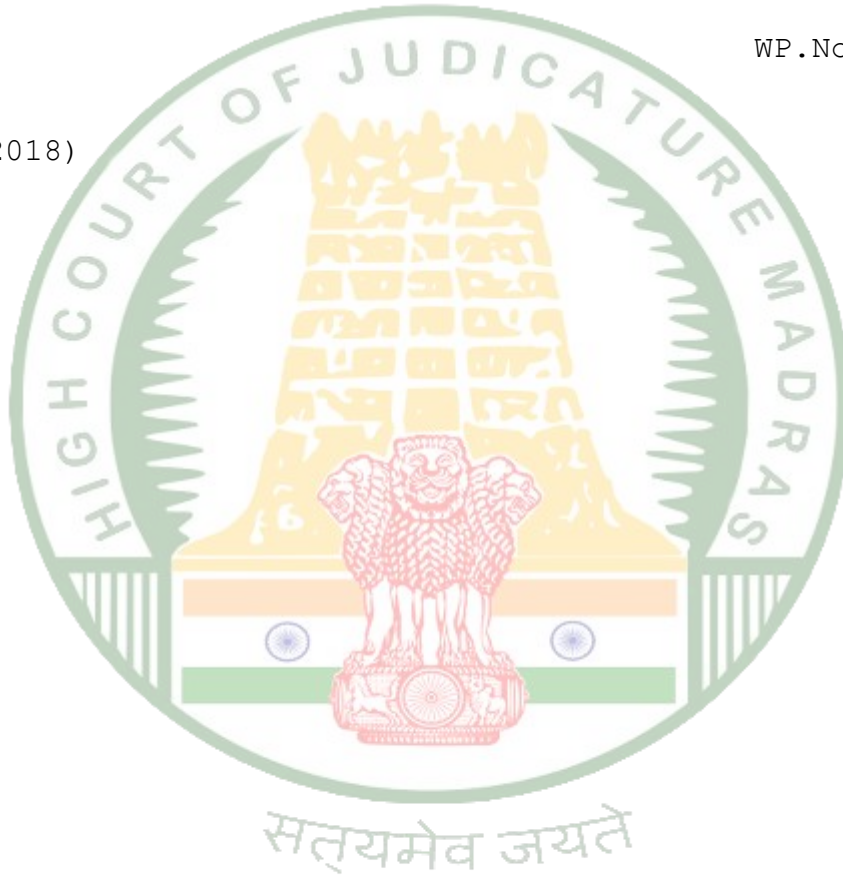
2.The Commissioner
Poonamallee Municipality
Poonamallee, Chennai 600 056.

+1cc to Mr.R.SIVAKUMAR, Advocate, S.R.No.31809

+1cc to Mr.P.SESUBALAN RAJA, Advocate, S.R.No.32049

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PVS (CO)
TR(11/05/2018)



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