

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18691 of 2017

A.Panneerselvam
S/o.Arumugam Udaiyar

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Petitioner

Vs

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 3.The District Collector,
Vellore District,
Vellore.
- 4.The Commissioner,
Walajapet Municipality,
Walajapet,
Vellore District.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing third respondent to stop all the illegal construction activities and to ensure the eviction of all the encroachments in the public tank in Government poramboke land at S.No.425, Kudimallur Village, Devadhanam Road, Walajapet, Vellore District, within a reasonable time frame, this Court may fix and call for detailed reports from the second (monitoring authority) and third respondent regarding the removal of the encroachments.

For Petitioner : Mr.V.Sugumar

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader [R1 to R3]
Mr.E.Manoharan [R4]

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.A.N.Thambidurai, learned Special Government Pleader, appears for respondents 1 to 3 and Mr.E.Manoharan, learned counsel, appears for fourth respondent.

2. The writ petition, styled as a Public Interest Litigation, is filed by a retired surveyor. According to him, 10 influential persons, namely (1) Mrs.Rajeswari, Former President of Walajapet Municipality (2) Nithianandham, the present President (3) Mr.A.C.Sankaran (4) Mrs.S.Rajeswari (5) Mr.S.Thandapani (6) Mrs.D.Usha (7) Mr.V.Narayanan (8) Mr.A.Murugan (9) Mr.Mani and (10) Mr.Karunakaran and some others encroached the public tank (water body) in Survey No.425, Kudimallur Village, Devadhanam Road, Kudimallur, Walajapet, Vellore District and put up unauthorised superstructures. In this regard, petitioner has submitted various representations to the concerned officials.

3. The Assistant Engineer, Public Works Department (Water Resources Organization), Paalaru Dam Division, Ranipet, has sent a communication dated 03.09.2015 in F.14/2015/AE(R)/PAS stating that the tank in question in Survey No.425 does not belong to Public Works Department.

4. Learned counsel for the petitioner has invited the attention of this Court to the photographs in the typed set of documents and would submit that in the right side of the water tank, superstructures have been put up by the above said persons and other persons. Despite the illegal act having brought to the knowledge of the concerned officials, so far they have turned a blind eye to the said illegality and therefore, prays for appropriate orders.

5. Learned counsel appearing for the fourth respondent has invited the attention of this Court to the counter affidavit dated 06.06.2018 and would submit that the tank in question belongs to the Revenue Department and as such, it is for them to take action for removal of the encroachment and also took a stand that the petitioner is also an encroacher.

6. Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for respondents 1 to 3, would submit that the jurisdictional Tahsildar may be directed to take appropriate action in accordance with law after putting the concerned persons on notice.

7. Learned counsel for the petitioner, in response to the counter affidavit of the fourth respondent, on instructions, would submit that the petitioner is not an encroacher and if it is found that he is also an encroacher, action in accordance with law may be taken to remove the said encroachment also.

8. This Court has considered the rival submissions and also perused the typed set of documents.

9. This Court, taking into consideration the above facts and circumstances and without going into merits of the case projected by the petitioner either in his representation or in this writ petition directs the Tahsildar, Walajapet, Vellore District or the official having jurisdiction, to cause inspection of the public tank in Survey No.425, Kudimallur Village, Devadhanam Road, Kudimallur, Walajapet, Vellore District, after putting the encroachers and persons concerned on notice. The said exercise is to be carried out within a period of eight weeks from the date of receipt of a copy of this order. The Tahsildar, Walajapet, Vellore District, depending upon the result of the inspection, shall take appropriate action in accordance with law to remove the encroachment, if any and it shall be done within a further period of ten weeks thereafter and necessary communication in this regard shall be sent to the petitioner as well as the encroachers and the persons concerned. It is also open to the said official to find out whether the petitioner is also an encroacher and if it is so, action shall be taken for removal of the said encroachment also.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Vellore District,Vellore.

4.The Commissioner,
Walajapet Municipality,
Walajapet, Vellore District.

5.The Tahsildar,
Walajapet, Vellore District.

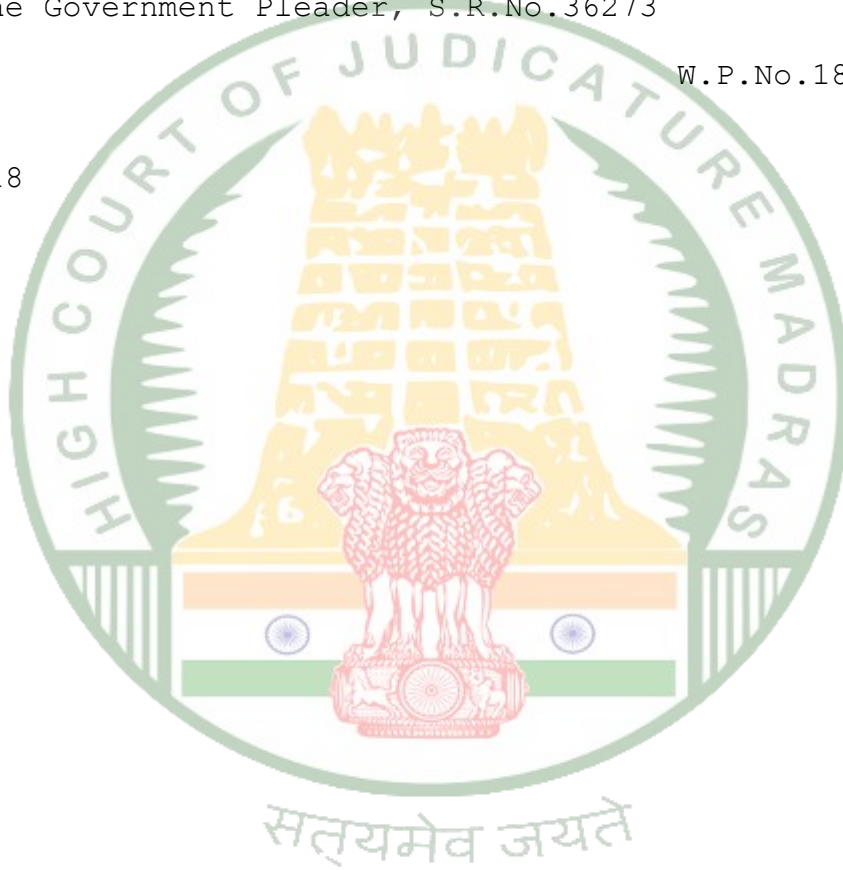
+1cc to Mr.V.Sugumar, Advocate, S.R.No.35629

+1cc to the Government Pleader, S.R.No.36289

+1cc to the Government Pleader, S.R.No.36273

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BS (CO)
CS/19/06/18



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