

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14823 of 2018 & W.M.P.No.17528 of 2018

P.Sundaram

... Petitioner

vs.

- 1.The District Collector,
O/o The District Collector,
Thiruvallur District.
- 2.The District Forest Officer,
Thiruvallur District, Thiruvallur.
- 3.The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi.
- 4.J.R.Metal Chennai Ltd.,
Rep. by its Managing Director,
No.3, Manali Express Road,
TKP Nagar, Thiruvottriyur,
Chennai-19.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct respondents 1 to 3 to clear all sort of encroachment and secure & protect the government grazing land and water sources in No.343, Periyapuliyur Village in Survey Nos.152/2 & 4, 154/2, 155/2, 156, 157/12, 159/4, 160/1 & 3, 161/1 & 4, 162, 163 and land belonging to the revenue in No.194 Amirthamangalam Village survey nos.90, 91/8 & 9, 93/1, 2, 3 & 5, 94, 95/2 & 8, 97/1 & 2, 98/2 & 8, 99/2 to 99/9, 100/1 to 3 & 5, 104, 105, 106.

For Petitioner : Mr.A.P.Suryaprakasam

For RR 1 & 3 : Mr.R.Udhaya Kumar,
Additional Government Pleader

For R2 : Mr.R.Bala Ramesh,
Special Government Pleader (Forest)

O R D E R

[Order of the court was made by M.Sathyannarayanan, J.]

By consent, the writ petition is taken up for final disposal.

2. Mr.R.Udhaya Kumar, learned Additional Government Pleader accepts notice for respondents 1 and 3 and Mr.R.Bala Ramesh, learned Special Government Pleader (Forest) accepts notice for the second respondent.

3. The petitioner, who claims to be an agriculturist and also owner of the agricultural lands in patta no.546 of Periyapuliur Village, Gummidipoondi Taluk, came forward to file this writ petition styled as a Public Interest Litigation alleging that the fourth respondent encroached upon lands in Survey Nos.157/12, 160/1 & 3 of Periyapuliur Village, and also started to encroach a part of the water channels of the above said lakes and used the same for the purpose of its factory. Despite representation dated 10.04.2018 submitted to the concerned officials, no proper and effective action has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Mr.A.P.Suryaprakasam, learned counsel for the petitioner has invited the attention of this Court to the typed set of documents and would submit that on receipt of the representation dated 10.04.2018 submitted by the petitioner, the Additional Personal Assistant to Collector (Land)(I/c), Tiruvallur District has sent a communication dated 20.04.2018 in RC.17103/2011/B2, to the Revenue Divisional Officer, Ponneri as well as to the Tahsildar, Gummidipoondi to take appropriate action. Despite that, no action has been taken so far and emboldened by the same, the fourth respondent has hurriedly proceeded with the construction and in the event of constructions being completed, water sources of the agricultural lands including that of the petitioner will be cut off and thereby, they may not be able to carry out agricultural operation and it will also result in drinking water scarcity. Hence, prays for appropriate relief.

5. Per contra, the learned Additional Government Pleader for respondents 1 and 3 would submit that action has already been initiated under the provisions of Tamil Nadu Land Encroachment Act, 1905 by issuing notice under Section 6 of the said Act dated 16.05.2018 and further process in accordance with law will be taken to remove the said encroachment.

6. This Court, taking into consideration the facts and circumstances and the rival submissions, directs the third respondent to put the fourth respondent on notice and after

following the due process of law, shall take appropriate action, which may include the removal of encroachment and such exercise is to be completed within a period of eight weeks from the date of receipt of a copy of this order and the decision taken shall be informed to the petitioner as well as to the fourth respondent.

7. With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

abr/sk

To

- 1.The District Collector,
O/o The District Collector,
Thiruvallur District.
- 2.The District Forest Officer,
Thiruvallur District,
Thiruvallur.
- 3.The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi.

+1cc to Mr.A.P.Surya Prakasam, Advocate, S.R.No.38806

+1cc to the Government Pleader, S.R.No.39138 & 38825

Writ Petition No.14823 of 2018

GSP (31/07/2018)

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