

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM :

The Hon'ble Mr.JUSTICE M.SATHYANARAYANAN

AND

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.16031 of 2018

M.Kaliaperumal

.. Petitioner

-vs-

1.The District Collector,
Villupuram District, Villupuram.

2.Block Development Officer,
Block Development Office,
Kandamangalam, Villupuram District,
Villupuram.

3.The Revenue Divisional Officer,
Villupuram District, Villupuram.

4.The Tahsildar,
Vikravandi Taluk, Villupuram District,
Villupuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the encroachments in the village Sandhai Pond situated at Vazhudavur Village, Vikravandi Circle, Villupuram District, in pursuance of the order of the 2nd respondent dated 10.05.2017 within a time frame.

For Petitioner : Mr.K.S. Ilangovan

For Respondents : 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.Udhaya Kumar, learned Additional Government Pleader, accepts notice on behalf of the respondents.

2.The petitioner claims to be the former President / Chairman of Vazhudhavur Taluk, Villupuram District and has averred among other things that in the said village, there is a

natural formation of water body called "Sandhai Pond", just adjacent to National highways and it was in existence for more than 100 years and on account of illegal and indiscriminate encroachment, there is only small bit of land remained as a water body. The petitioner, acting in public interest, had submitted very many representations, and in response to the same, the second respondent has sent a letter dated 10.05.2017 in Na.Ka.No.Aa2/475/15, to the Assistant Director of Town Panchayat and other persons, informing that the encroachment will be removed in terms of the provisions of the Tamil Nadu Land Encroachment Act, 1905, and despite the lapse of nearly one year, no action whatsoever has been taken and therefore, the petitioner has filed the present writ petition.

3.The learned counsel appearing for the petitioner has invited the attention of this Court to the photographs at page no.8 and would submit that whatever remained as a water body, there is a wild growth and neither the Revenue Officer nor the Local Body has taken any action to protect the water body and as such, the present writ petition has been filed purely in public interest and prays for appropriate orders.

4.Mr.R.Udhaya Kumar, learned Additional Government Pleader, appearing for the respondents, would submit that 26 encroachments have been identified and action is being initiated under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

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

6.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs respondents 2 and 4 to take action in accordance with law, for removal of encroachment, after putting on notice all the persons concerned and since this Court has also noted wild growth on the remaining extent of water body, necessary and appropriate steps be taken to remove the same and restore the water body to its original condition. Respondents 2 and 4, if required, can also approach the jurisdictional police for necessary police help, which shall be extended. The said exercise is to be carried out by respondents 2 and 4 within a period of twelve (12) weeks from the date of receipt of a copy of this order and the decision taken in that regard shall be communicated to the petitioner and encroachers, if any.

The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.Nos.19039 and 19040 of 2018 stand closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Villupuram District, Villupuram.
 - 2.Block Development Officer,
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Villupuram.
 - 3.The Revenue Divisional Officer,
Villupuram District, Villupuram.
 - 4.The Tahsildar,
Vikravandi Taluk, Villupuram District,
Villupuram.
- + 1 cc to MR.Achari & Antoni SSO, Advocate Sr.41955
- + 1 cc to MR. Government Pleader Sr.42289

W.P.No.16031 of 2018

EV(CO)
EU(16/07/2018)

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