

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.27356 of 2018 and
W.M.P.No.31855 of 2018

D.Antony

.. Petitioner

Vs.

1.The District Collector,
Kancheepuram Collector Office,
Kancheepuram District.

2.The Commissioner,
Pallavaram Municipality,
Office at New Colony,
Chromepet, Chennai - 600 044.

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to dig the drainage channel as per the plan approved in the DTP No.139 of 1973 issued by the 2nd respondent so that the drainage channel may pass through the 12th cross street, 13th cross street, 14th cross street and their extensions streets so that the drainage water can flow into Veera Raghavan lake.

For Petitioner : Mr.R.Bhagawat Krishna

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1)

Mr.P.Srinivas (R2)

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O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents to dig the drainage channel as per the plan approved in the DTP No.139 of 1973 issued by the 2nd respondent so that the drainage channel may

pass through the 12th cross street, 13th cross street, 14th cross street and their extensions streets so that the drainage water can flow into Veera Raghavan lake.

2. Though the petitioner has sought for the above relief for digging the drainage channel, the learned counsel appearing for the petitioner submitted that the official respondents are trying to evict the petitioner from the property, therefore, the respondents should be prevented from evicting the petitioner from the property.

3. The 2nd respondent filed a counter stating that the petitioner has encroached the Eri Ulvai belonging to the Revenue Department in Ward C Block 29, Pallavapuram Town. Further, the 2nd respondent has stated that the encroachment lead to widespread flooding due to the blockage of water leading to Thiruneermalai Lake. That apart, the 2nd respondent has also stated that the petitioner has encroached upon the channel at the entry point of the lake. Further, the 2nd respondent has specifically stated that the petitioner is a rank trespasser of the public land, particularly, the channel carrying the run-off water to the water body and the said encroachment is liable to be removed.

4. We have considered the contention of the petitioner as well as the counter filed by the 2nd respondent. The 2nd respondent has specifically stated that the petitioner is a trespasser, who had encroached the water body. That apart, the relief sought for in the Writ Petition is totally contrary to the contentions raised by the learned counsel for the petitioner with regard to the removal of encroachment. Therefore, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. no costs. consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Kancheepuram Collector Office,
Kancheepuram District.

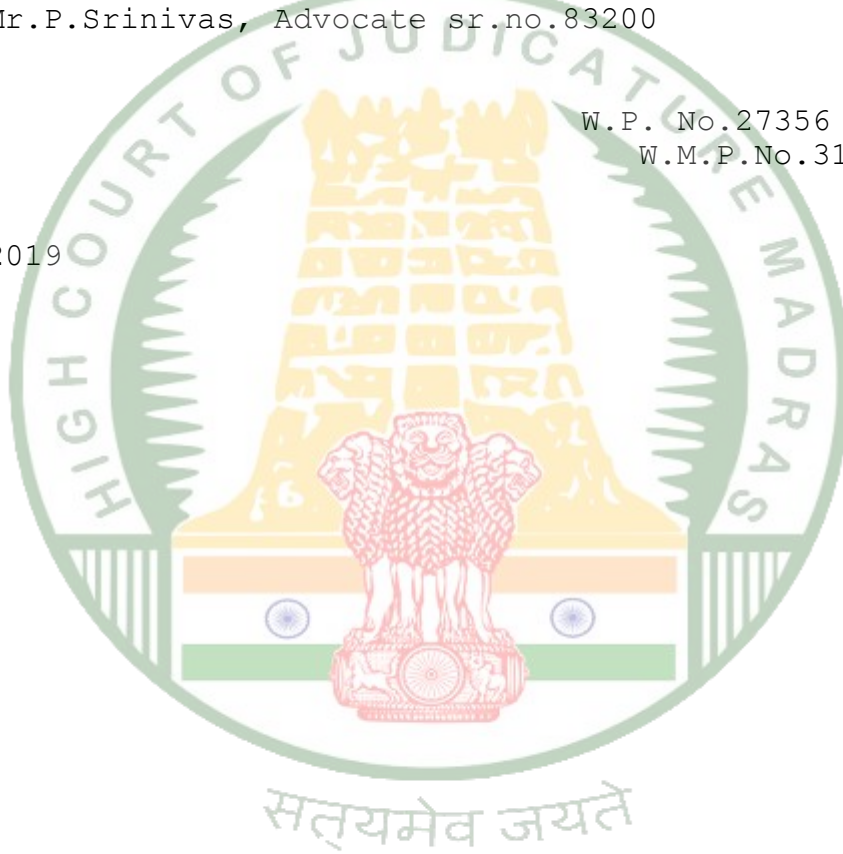
2.The Commissioner,
Pallavaram Municipality,
Office at New Colony,
Chromepet, Chennai - 600 044.

+lcc to Mr.R.Bhagawat Krishna, Advocate sr.no.82835

+lcc to Mr.P.Srinivas, Advocate sr.no.83200

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W.M.P.No.31855 of 2018

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