

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.14127 of 2019
and
W.M.P.No.14180 of 2019

M/s.Venkatesh Coke & Power Limited
represented by its
Joint Managing Director,
Mr.Ravi Agarwal
6296 A/D-1, Chandrawal Road,
New Delhi - 110 007. Petitioner

vs.

- 1.The District Collector,
First Floor, Collectorate,
Thiruvallur - 602 001.
- 2.The Tahsilar,
Ponneri Taluk,
Ponneri, Thiruvallur District.
- 3.The Revenue Divisional Officer,
JN Road, Thiruvallur - 602001.
- 4.The District Revenue Officer,
Master Plan Complex, NH 205,
Thiruvallur - 602001.
- 5.The Special Secretary to Government,
TNPWD, Secretariat (5th Floor),
Chennai - 600009.
- 6.M/s.NDR Infrastructure Pvt. Ltd.,
represented by its Director,
Nandambakkam Port Road,
Nandambakkam, Ponneri Taluk,
Thiruvallur District, Chennai - 600120. ... Respondents

Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Mandamus directing respondents 1 to 5 to take appropriate
action and ensure that no road is laid or constructed over

the water channels comprised in Survey Nos.1/1 and 2/4 in Athipattu Village and to further take steps to restore the said water channels.

For Petitioner : Mr.Hari Radhakrishnan
For Respondents: Mr.E.Manoharan
Additional Government Pleader [R1 to R5]

O R D E R

(Order of the Court made by S.VAIDYANATHAN, J)

Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing respondents 1 to 5 to take appropriate action and ensure that no road is laid or constructed over the water channels comprised in Survey Nos.1/1 and 2/4 in Athipattu Village and to further take steps to restore the said water channels. Though the 6th Respondent is a private Respondent, disposal of the Writ Petition is not going to affect the 6th Respondent, as there is no specific order or direction against him and hence, without notice, the Writ Petition is taken up for disposal.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader for respondents 1 to 5.

3. Petitioner is the owner of the land comprised in Survey Nos.1/2, 2/2, 20, 1, 23/3 and 23/4 in Athipattu Village. Petitioner has been granted formal approval by the Special Economic Zones, in the meeting held on 03.07.2017, for development of Free Trade Warehousing Zone under Special Economic Zones Act, 2005. Government has also recommended the said project vide letter dated 06.03.2017 and the District Collector, Thiruvallur, in his proceedings dated 24.02.2017, has observed that the water catching area and water channels should not be affected while developing the said project and a 'No Objection Certificate' must be obtained from the Public Works Department.

4. The grievance of the petitioner is that the sixth respondent herein is laying a road illegally in the petitioner's land and also on the designated water channels in the above mentioned survey numbers. Petitioner has given a representation to respondents 1 to 5 in this regard. Since no action has been taken on the said representation, petitioner is before this Court with the present Writ Petition.

5. In response, learned Additional Government Pleader for the respondents 1 to 5 submitted that necessary action will be taken on the representation of the petitioner at the earliest.

6. Considering the submissions made, this Court directs respondents 1 to 5 to consider the representation of the petitioner after hearing the 6th Respondent and other persons, who are likely to be affected and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that it is the duty of respondents 1 to 5 to see that no water channel is affected.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation officer

//True Copy//

Sub Assistant Registrar

gm/gpa
To

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A.SK(16/05/2019)