

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.28922 of 2019
and W.M.P.No.28670 of 2019

G.Kannan

...Petitioner

Vs

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Executive Engineer,
Public Works Department,
Thiruvannamalai.

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

4.The Tahsildar,
Thandarampattu Taluk,
Thiruvannamalai District.

5.Elumalai

6.The Assistant Director of Geology and Mining,
Thandarampatty Taluk,
Thiruvannamalai District.

..... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 to 4 to take necessary action against the 5th respondent based on the representation of the petitioner in violating the conditions and mining the Savudu/soil/sand in Edathanur Manthoppu Lake, Thandarampattu Taluk, Thiruvannamalai District and to prevent them from selling the same forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.E.Manoharan
Additional Government Pleader
for R1 to R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner claims to be a resident of Edathanur Village, Thandarampatty Taluk, Thiruvannamalai District and he came forward to file this Writ petition styled as a Public Interest Litigation alleging that in Edathanur Lake, under the guise of removing Coarse Soil (Savudu Sand), some illegalities and irregularities are committed by the private respondent namely the 5th respondent and representations dated 08.08.2019 and

07.08.2019 submitted in this regard did not invoke any kind of response and hence came forward to file this present Writ Petition.

2. When the matter came up for admission on 27.10.2019, Mr.E.Manoharan, the learned Additional Government Pleader accepted notice on behalf of the official respondents and it was directed to be called on 31.10.2019 and on that date, it was brought to the knowledge of this Court that the petitioner himself is an encroacher upon the water body and when a specific question was put to the learned counsel for the petitioner, attention of this Court was drawn to paragraph no.8 of the affidavit filed in support of this writ petition and this Court has also taken note of the fact that he vacated and delivered vacant possession of the Poromboke land which is classified as water course and posted on 27.11.2019 for filing Status Report as to the alleged encroachments.

3. When the matter is listed today, it is brought to the knowledge of this Court that the 1st respondent, vide communication dated 09.10.2019 in Na.Ka.No.634/Mineral/2019 addressed to the respondents 2 and 4 by taking

into consideration the G.O.No.50, Industries (MMC1) Department, dated 27.04.2017 directed them to cause necessary inspection and submit a report.

4. Mr.E.Manoharan, learned Additional Government Pleader would submit that the services of a Non-Governmental Organisation was engaged to remove the silt / Savudu sand from the water body and on account of the objections raised by the petitioner herein, the said Non- Governmental Organisation did not carry out the said exercise.

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

6. In the light of the above said communication of the 1st respondent dated 09.10.2019 addressed to the respondents 2 and 4 where they have been directed to cause inspection of the said water body in question and submit a report, this Court is of the view that depending upon the result of the inspection, shall take appropriate action in accordance with law and in that process, if any encroachment is noted, they are also at liberty to take

appropriate action in accordance with law by adhering to the principles of natural justice and the said exercise shall be carried out within a period of ten weeks from the date of receipt of a copy of this order and the decision taken in that regard shall be communicated to the persons concerned.

7. The Writ Petition stands disposed of with the above observation.

No costs. Consequently connected miscellaneous petition is closed.

[M.S.N.,J] [N.S.S., J]
27.11.2019

Index :Yes/ No
Internet :Yes /No

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To

1.The Commissioner,
Civil Supplies and Consumer Protection
Department, Chepauk, Chennai 600005.

2.The Registrar of Co-Operative Societies
O/o. The Registrar of Co-Operative Society,
Kilpauk, Chennai – 600010.

3.The District Collector,
Krishnagiri District, Krishnagiri

M.SATHYANARAYANAN.,J.

and

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sk

4.The District Supply Officer
O/o. The District Collector
Krishnagiri District

5.The Joint Registrar Co-Operative Society
O/o. The Joint Registrar Co-Operative Society
Krishnagiri District.



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