

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30887/2019

P.Asokan

..Petitioner

Versus

- 1.The Collector
Namakkal District,
Namakkal.
- 2.The Tahsildar
Rasipuram, Namakkal District.
- 3.The Assistant Engineer
Public Works Department
Water Resource Department
Irrigation Department, Rasipuram,
Namakkal District.
- 4.The Executive Engineer
Public Works Department
Water Resource Department
Sarabanga Basin Division,
Namakkal District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to demolish the illegal construction and to remove the encroachment made in the lake situated in S.No.35/2 at R.Pattanam Village, Rasipuram, Namakkal District and restore the lake in its original position for the usage of public.

For Petitioner	:	Mr.V.Elangovan
For Respondents	:	Mr.R.Udhayakumar, AGP

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents.
- (2) The petitioner claims to be an agriculturist and doing agricultural operations in S.No.36/5 Patta No.566, admeasuring to an extent of 4 Acres, at Kalarampalli Village, Rasipuram Taluk, Namakkal District and according to him, there is a water body situate in S.No.35/2 at R.Pattanam Village and the spread of the area is 60 acres. The course of the water body is through Perumpalli River and Valukkupparai river. The grievance of the petitioner is that some private persons had encroached upon the said water body and they are also extending the encroachment and in this regard, the 3rd respondent had also issued a notice in Form-III under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, [Act 8 of 2007] as early as on 07.10.2016. The grievance now expressed by the petitioner is that despite a lapse of nearly three years, no action has been taken to remove the encroachment and taking advantage of the same, there are further encroachments and the representation dated 14.07.2018 was submitted to the 1st respondent, who in turn, directed the 4th respondent vide communication dated 25.07.2018 in O.Mu.No.23850/2018/L3, to do the needful and despite a lapse of one more year, nothing is happening and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.
- (3) This Court has considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.
- (4) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 3 and 4 to adhere to the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and act accordingly, in furtherance of Form-III Notice dated 07.10.2016 as well as upon the above cited communication of the 1st respondent dated 25.07.2018 and the entire exercise is to be completed within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken in that regard, to the petitioner as well as to the person(s) / encroachers concerned.

(5)The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

AP

To

1.The Collector
Namakkal District, Namakkal.

2.The Tahsildar
Rasipuram, Namakkal District.

3.The Assistant Engineer
Public Works Department
Water Resource Department
Irrigation Department, Rasipuram,
Namakkal District.

4.The Executive Engineer
Public Works Department
Water Resource Department
Sarabanga Basin Division,
Namakkal District.

+1CC to Mr.S.Dorisamy, Advocate, SR.No.91396.

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PVS (CO)
CSR(11/12 /2019)

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