

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30392 of 2019

R.Elumalai

.. Petitioner

Versus

- 1.The District Collector
Office of the District Collector
Villupuram, Villupuram District.
- 2.The Revenue Divisional Officer/Sub Collector
Office of the Revenue Divisional Officer
Kallakurichi, Villupuram District.
- 3.The Tahsildar
Office of the Tahsildar
Sankarapuram, Villupuram District.
- 4.The Block Development Officer
Rishivandiyam Block Development
Office, Bagandai Koottu Road,
Rishivandiyam, Sankarapuram
Taluk, Villupuram District.
- 5.Elumalai
- 6.Periyasami
- 7.Mottayan

..
Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 to take necessary steps to remove the encroachments made by the respondents 5 to 7 herein to an extent of 3.66 hectares the Government Porambokku land wherein a lake, a pond, water bodies and water coaching area are situated and comprised survey No.73/5 of the Pasar Village, Sankarapuram Taluk, Villupuram District.

For Petitioner : Mr.V.R.Appaswamee
For RR 1 to 3 : Mr.E.Manoharan, AGP
For R4 : Mr.P.Sivashanmugasundaram
Spl.GP

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.P.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the 4th respondent.
- (2) The grievance expressed by the petitioner who is said to be a Public Interest Litigant is that S.No.73/5 admeasuring to an extent of 3.36 Ares [8 Acres 30 cents] in Pasar Village, Sankarapuram Taluk, Villupuram District is classified as a water body and the private respondents had caused encroachments and thereby, preventing people to go to the place of worship and that apart, causing other obstructions. The petitioner, in this regard, has submitted a representation dated 23.08.2019 to respondents 1 to 4 and despite receipt and acknowledgment on 26.08.2019, no action has been taken to remove the encroachments.
- (3) The learned counsel for the petitioner has drawn the attention of this Court to the photographs in the typed set of documents and would submit that since the land in question is classified as water body, no encroachments should be there which include the so-called religious structure.
- (4) This Court has also perused the photographs and it prima facie appears that the so-called religious structure may not be a religious structure at all for the reason that there are no Deities except the statues of some human beings.
- (5) This Court taking into consideration, the above facts and circumstances as well as the arguments advanced by the learned counsel for the petitioner and without going into the merits of the claim projected by him either in his representation or in this writ petition, directs the 3rd respondent to cause inspection of the land in question in S.No.73/5 at Pasar Village, Sankarapuram Taluk, Villupuram District, and depending upon the result of the inspection, shall remove the encroachments, if any, after putting the concerned person/s on

notice and take appropriate steps in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the person/s / encroachers which may include the private respondents also.

(6) The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Office of the District Collector,
Villupuram, Villupuram District.
2. The Revenue Divisional Officer/Sub Collector
Office of the Revenue Divisional Officer
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3. The Tahsildar
Office of the Tahsildar, Sankarapuram, Villupuram District.
4. The Block Development Officer
Rishivandiyam Block Development
Office, Bagandai Koottu Road,
Rishivandiyam, Sankarapuram
Taluk, Villupuram District.

+2 cc to M/s.V.R.Appaswamee, Advocate Sr.No. 89107

AKM/06.12.19/3P-7C /

WP.No.30392 of 2019

सत्यमेव जयते

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