

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.32927 of 2019

R.Hariharan

... Petitioner

vs.

1. The Secretary,
Public Works Department,
Chepauk,
Chennai 600 005.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
3. The Joint Commissioner (R & F),
Revenue Department -
Greater Chennai Corporation,
Ripon Building, Chennai,
Tamil Nadu 600 003.
4. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Namakkal Kavignar Maligai,
Fort St. George,
Chennai 600 009.
5. The Executive Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai 600 002.
6. The Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 005.
7. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

... Respondents

(R7 impleaded by this Court vide order dated 27.11.2019 in W.M.P.No.33721 of 2019 in W.P.No.32927 of 2019)

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the Respondents 1 to 6 to consider the representations of the Writ Petitioner, dated 08.10.2017, 03.11.2017, 08.12.2017, 27.11.2018, 07.12.2018, 28.10.2019 and 30.10.2019, and remove the canal encroachments and to properly maintain the vacant Government canal land owned by Seethayamman Temple in Survey No.339, Korattur, Chennai 600 076.

For Petitioner : Mr.B.Karthik
For 1st Respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For Respondents 4 & 7 : Mr.M.Maharaja,
Special Government Pleader
For Respondents 2 & 3 : Dr.C.Ravichandran
For Respondents 5 & 6 : Mr.C.Vigneswaran

O R D E R
(Order of the Court made by M.M.SUNDRESH,J.)

This Writ Petition has been filed on the premise that encroachments have been made on the water body and also on the lands belonging to the Hindu Religious and Charitable Endowments (H.R. & C.E.) Department.

2. Learned Special Government Pleader appearing for the 7th Respondent, since impleaded, submitted that, there is no encroachment in the land belonging to the H.R. & C.E. Department.

3. While recording the aforesaid submission, we find that, there indeed exists collection of water in the area in question.

4. Learned counsel for the Petitioner submitted that, a request has also been made to the 5th Respondent through a representation made to the Honourable Chief Minister's Cell. Though the officials of the 5th Respondent/ Chennai Metropolitan Water Supply and Sewerage Board, have assured that, needful would be done to protect the water bodies, no action is forthcoming as of now.

5. In such view of the matter, we direct the Petitioner to make a further representation to the 5th Respondent/The Executive Engineer, Chennai Metropolitan Water Supply and Sewerage Board, within a period of two weeks from the date of

receipt of a copy of this order. On receipt of such representation, the 5th Respondent shall look into the grievance of the Petitioner, and shall take appropriate action in the manner known to law, within a period of eight weeks.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
Public Works Department,
Chepauk,
Chennai 600 005.
2. The Commissioner, Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
3. The Joint Commissioner (R & F),
Revenue Department - Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
4. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Namakkal Kavignar Maligai,
Fort St. George,
Chennai 600 009.
5. The Executive Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai 600 002.
6. The Secretary,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai 600 005.

7. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai, Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

+1cc to Mr.C.Vigneswaran, Advocate, S.R.No. 99461

+1cc to Dr.C.Ravichandran, Advocate, S.R.No. 98747

+1cc to the Special Government Pleader(HR & CE), S.R.No. 100116

+1cc to the Government Pleader, S.R.No. 99449

W.P.No.32927 of 2019

BR(CO)
GN(04/02/2020)



WEB COPY