

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.2651/2020 & WMP.No.3087/2020

S.Dhanasekaran .. Petitioner

Versus

1.The District Collector
Chengalpattu District.

2.The Chief Engineer
Public Works Department
East Palar Division,
Near Taluk Police Station
Chengalpattu.

3.The Assistant Engineer
Public Works Department
East Palar Division,
Near Taluk Police Station
Chengalpattu.

4.Mr.Elumalai

5.Mrs.Logammal

6.Mr.S,Dhinakaran

7.Mr.R.Sundar

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the respondents to remove the encroachment made by respondents 4 to 7 on the PWD Water channel in S.No.1171 of Attur A Block, Athur Village, Chengalpattu, measuring an extent of 7500 sq.ft., and further direct the respondents 2nd and 3rd to restore the water channel to its original condition.

For Petitioner : Mr.V.Raghavachari

For R1 to R3 : Mr.R.Vijayakumar, AGP

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal.
- (2) Mr.Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.
- (3) The writ petition, styled as a Public Interest Litigation, is filed by the petitioner, who is a resident of Athur Village, Chengalpattu.
- (4) The learned counsel for the petitioner, on instructions, would submit that the petitioner is not an encroacher upon any public land / Local Body / Water body and the said submission, on instructions, is placed on record.
- (5) The learned counsel for the petitioner would submit that the private respondents, viz., respondents 4 to 7 herein, appears to have got an approval in DTCP Approval No.97/2019 and started developing a Plot under the name and style as 'E.N.Gardens'. It is the specific case of the petitioner that he is an agriculturist and there is a water channel in Survey No.1171 of Athur A Block, Athur Village, Chengalpattu and in the process of developing housing layout, the private respondents had encroached upon the same. The learned counsel for the petitioner has invited the attention of this Court to the information obtained under the Right To Information Act, from the office of the 3rd respondent dated 16.03.2019 in Letter No.103/763/2019 and hence, prays for appropriate orders for removal of the said encroachment.
- (6) The Court heard the submission of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.
- (7) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the 3rd respondent as well as the jurisdictional Tahsildar, to put the petitioner as well as the private respondents on notice and cause inspection of the alleged PWD water canal in Survey No.1171, of Athur A Block, Athur Village, Chengalpattu, as well as the layout developed by the private respondents vide DTCP Approval No.97/2019 within a period of eight weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law, after

putting on notice the private respondents/person[s] concerned, if any, within a further period of six weeks thereafter and communicate the decision taken, to the petitioner, private respondents as well as the person/s concerned, if any.

(8)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Chengalpattu District.
- 2.The Chief Engineer
Public Works Department
East Palar Division,
Near Taluk Police Station
Chengalpattu.
- 3.The Assistant Engineer
Public Works Department
East Palar Division,
Near Taluk Police Station
Chengalpattu.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No. 9369

WP.No.2651/2020

BP (CO)
GN (04/03/2020)

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