

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18924/2020

[Video Conferencing]

M.Saminathan

..Petitioner

Versus

1. The District Collector
Villupuram, Villupuram District 605602.
2. The Tahsildar
Tindivanam Taluk
Villupuram District 604 001.
3. The Block Development Officer
[Village Panchayat]
Olakkur Panchayat Union,
Saram Village & Post,
Tindivanam Taluk
Villupuram District 604307.
4. The Executive Engineer,
Public Works Department [Water Resources]
Kizhthenpennai River Sub Distribution Circle
Tindivanam Taluk, Villupuram District 604 001.
5. The Assistant Executive Engineer,
Public Works Department [Water Resources]
Kizhthenpennai River Sub Distribution Circle
Tindivanam Taluk, Villupuram District 604 001.
6. R.Chandiran
7. N.Muniyammal

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st to 5th respondents to remove the illegal encroachments made in Government land classified as Lake [water body] comprising in S.No.222/1, total extent of 426 acres [172.435 Hectares], and 222/4 total extent of 3 acres [1.27

Hector] situated at Olakkur Melpadi Village and Post, Tindivanam Taluk, Villupuram District within a stipulated time to be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju
For R1 to R5 : Mr.M.Elumalai
Additional Government Pleader

ORDER

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

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 5.
- (3)The matter in issue pertains to the removal of alleged encroachment caused by the private respondents upon a water spread area and the learned counsel for the petitioner, on instructions, would submit that the petitioner is not an encroacher on any land belonging to the Government / Local Body / Water way / Water channel and the said submissions on instructions, is placed on record.
- (4)The learned counsel for the petitioner would submit that in the water catchment area of Olakkur Melpadi Eri [water body], encroachments have been caused by the private respondents in the form of permanent constructions and the representation submitted in this regard to the concerned official respondents, is yet to invoke any kind of response and therefore, the petitioner is constrained to file this writ petition styled as a public interest litigation.
- (5)This Court heard the submissions of Mr.M.Elumalai, learned Additional Government Pleader appearing for respondents 1 to 5 and also perused the materials placed before it.
- (6)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 representation or in this writ petition, directs the 5th respondent, in coordination with the 2nd respondent, to cause inspection of the said water body and if the result of the inspection reveals any encroachment, shall take immediate, necessary and appropriate steps in accordance with law and also by adhering to the principles of natural justice and remove the same, after putting on notice the alleged encroachers, which may include the respondents 6 and 7 herein and complete the said exercise as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner, respondents 6 and 7 as well as other person/s concerned /

encroachers if any. It is also open to the 3rd respondent to cause inspection of the said land and if he notices any unauthorized /deviated constructions, he is also at liberty to initiate appropriate action in accordance with law and complete the same as expeditiously as possible.

(7)The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

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Kizhthenpennai River Sub Distribution Circle
Tindivanam Taluk, Villupuram District 604 001.

+1cc to Mr.T.Agni Sevaraju, Advocate, S.R.No.41263

+1cc to the Government Pleader, S.R.No.41554

WP.No.18924/2020

pvs (CO)

rv(08/01/2021)