

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14007/2020
& WMP.No.17393/2020

G.Sathya Seelan

.. Petitioner

Versus

1.The District Collector
Villupuram District.

2.The Executive Engineer
Kilpennaiaru Water Resources
and Drainage Division
Villupuram District.

3.The Superintendent Engineer
Kilpenaiyaru Water Resources
and Drainage Division,
Thiruvannamalai District.

4.The Tahsildar
Vanur Taluk,
Villupuram District.

5.Thirumalai

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the 5th respondent of the poromboke land situated at Chiteri Adhanapattu Village, Vanur Taluk, Villupuram District as per the 2nd respondent Letter No.384/M/Ko.108/EVA-2/2017 dated 13.10.2017.

For Petitioner : Mr.R.Karunakaran
For RR 1 to 4 : Mr.RVijayakumar
Additional Government Pleader

ORDER

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4.
- (3)The petitioner is a resident of Adhanapattu Village, Thensiruvalur Post, Vanur Taluk, Villupuram District and he came forward to file this writ petition styled as a Public Interest Litigation, stating among other things that he is the "Ayacutdhar" of Chitheri situate at Adhanapattu Village, Vanur Taluk, Villupuram District and the said water body is having the spread over area of 34.19.5 Hectares comprised in S.No.227 and the agriculturists are drawing water from

the said water body for agricultural operation.

(4)The petitioner claims that he owns lands admeasuring to an extent of 2.56 Acres comprised in S.NO.187/2 and 7 acres of land comprised in S.No.227/1, adjacent to the said water body and in between the water body and his lands, there exist a poramboke land. According to the petitioner, the 5th respondent has caused encroachment upon the said poramboke land which is used as pathway / access to the land of the petitioner and to remove the said encroachment caused by the 5th respondent, repeated representations have been submitted to the concerned officials.

(5)The learned counsel for the petitioner has drawn the attention of this Court to the information furnished under the Right to Information Act by the Public Relation Officer / Personal Assistant [Technical], Additional Incharge of Kilpenaiyaru Water Resources, dated 13.10.2017 bearing Letter No.384/M/Ko.108/EVA-2/2017 and would submit that as per the said communication, steps are being taken by the Public Work Resources Department to clear the encroachment from the said water body and it is high time that further endeavour shall be taken in this regard and prays for appropriate orders

(6)The Court heard the submissions of Mr.R.Vijayakumar, learned

Additional Government Pleader appearing on behalf of the respondents 1 to 4.

(7)A Division Bench of this Court in the decision reported in **2010 [3/ MLJ 771 [T.S.Senthil Kumar V. State of Tamil Nadu rep.by the Secretary to Government, PWD Department, Chennai-9 and others]**, while upholding the vires of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the Rules framed thereunder, in paragraph No.20, has issued certain directions and it is relevant to extract the same:-

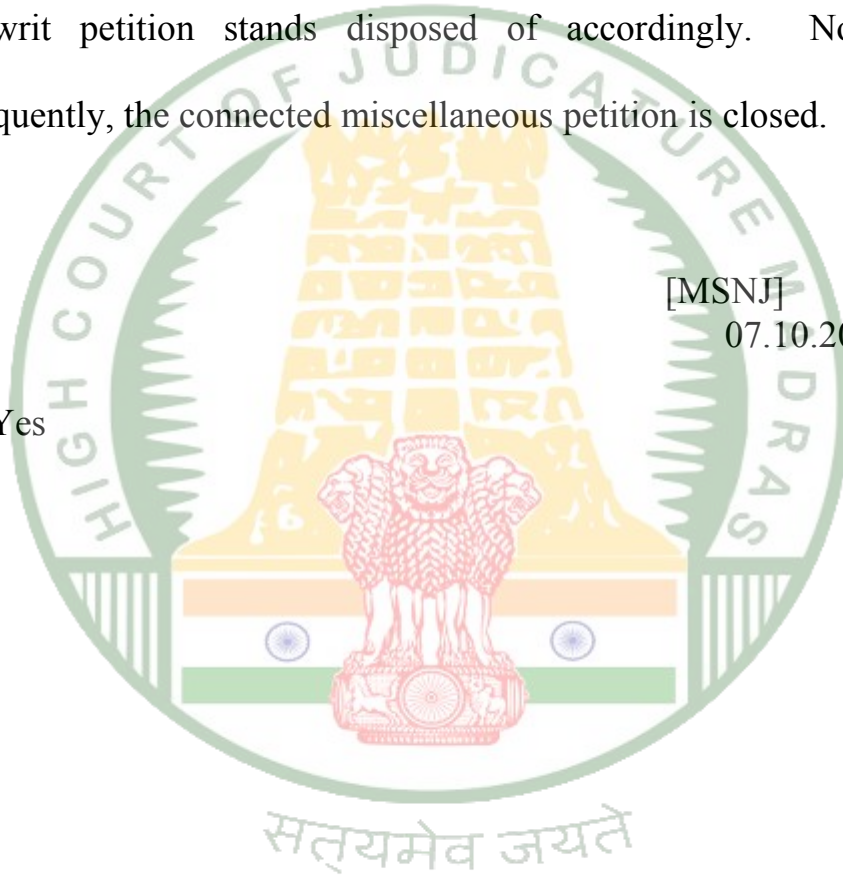
(8)This Court, taking into consideration the facts and circumstances of the case and the arguments advanced by the learned counsel for the petitioner and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 2 to 5, especially, respondents 2 and 3 to act in furtherance of the above cited communication of the Public Relation Officer / Personal Assistant [Technical], Additional Incharge of Kilpenaiyaru Water Resources, dated 13.10.2017 bearing Letter No.384/M/Ko.108/EVA-2/2017 by following due process of law and also by adhering to the principles of natural justice, shall take appropriate steps as to the removal of the alleged encroachment and

inform the decision taken, to the petitioner, 5th respondent as well as to the other concerned persons/encroachers if any and the entire exercise shall be carried out within a period of ten weeks from the date of receipt of a copy of this order.

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

AP
Internet:Yes

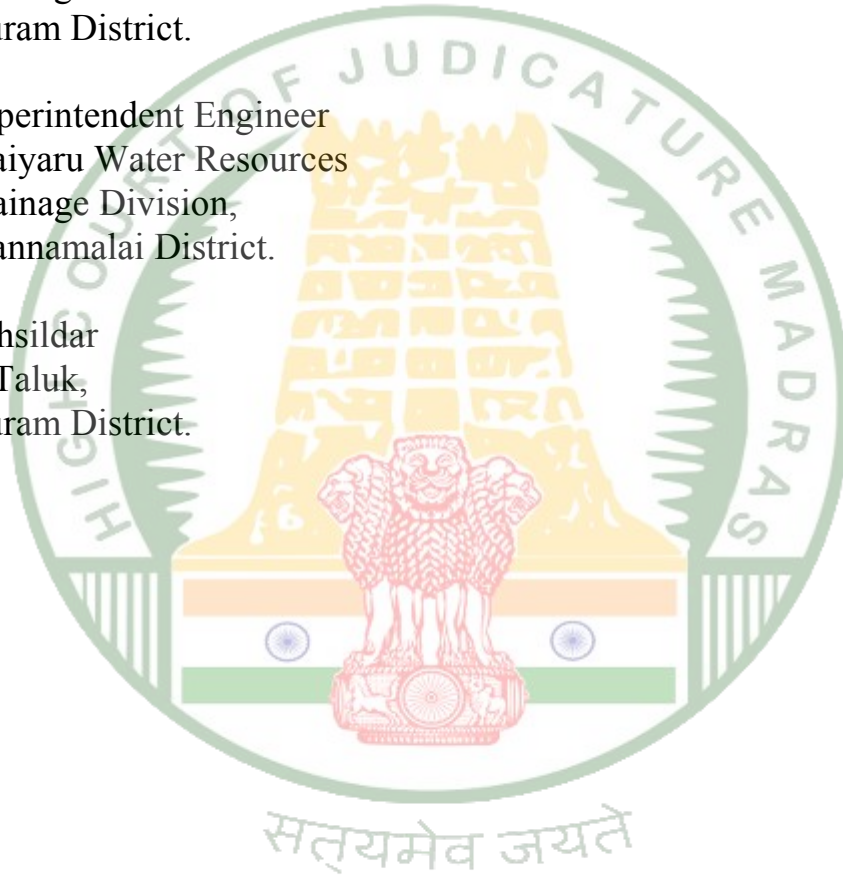
[MSNJ] [RHJ]
07.10.2020



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To

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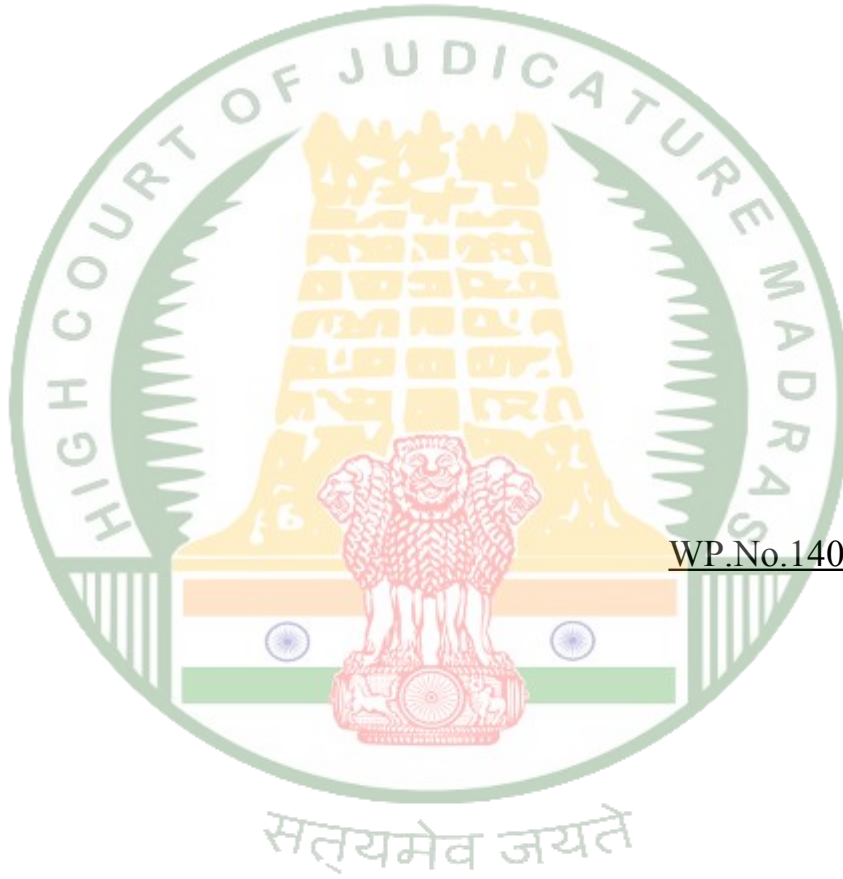
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M.SATHYANARAYANAN, J.,

AND

R.HEMALATHA, J.,

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