

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 18217 of 2019
& W.M.P.No.17589 of 2019

P.Chandrakasan

.. Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep by its Secretary to Govt Public Works
Department, Fort.St.George, Chennai-9
- 2.The Government of Tamilnadu
Rep by its Secretary to Govt Rural Development
and Panchayatraj, Fort.St.George
Chennai-9
- 3.The Principal Chief Engineer
Public Works Department, Chepauk, Chennai-5
- 4.The Executive Engineer
PWD/ WRO Public Works Department, Ariyalur.
- 5.The District Collector
Ariyalur- 621705 Ariyalur District.
- 6.The President
Ariyalur Panchayat Union, Ariyalur, Ariyalur District.
(R6 SUO-MOTU IMPEADED VIDE ORDER
DT 14/7/2020 MADE IN WP.18217/2019 BY MMSJ RHJ) .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the Respondents to take over the Control and Maintenance of Bheema Eri comprised in S. No 208 to an extent of 43.28.5 Hectares of Land in Kadugur Village within the Public Work Department from the Panchayat Union, Ariyalur.

For Petitioner .. Mr.P.Mahaadevan
For Respondents .. Mr.G.K.Muthukumar,
Spl G.P. for R1 to R5

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This public interest litigation has been filed by the petitioner seeking appropriate direction to the respondents, namely, respondents 3 and 4 to take over the control and maintenance of Bheema Eri, situated in S. No 208 to an extent of 43.28.5 Hectares of Land in Kadugur Village.

2. On the last occasion, we impleaded the local body, as a party respondent. On instructions, the learned Special Government Pleader submits that the Panchayat Union has infact passed a resolution to hand over the same to the Public Works Department. There is also a resolution by the Kadugur Village Panchayat. Therefore, respondents 3 and 4 can very well take over the Bheema Eri and maintain the same.

3. In view of the above, we direct respondents 3 and 4 to take over the aforesaid water body and maintain the same. Needless to state that due inspection will have to be made by respondents 3 and 4 and thereafter the assessment will have to be prepared towards the maintenance which would include the deepening of water body, strengthening of bund, de-silting and maintaining it thereafter. We expect appropriate action to be taken by respondents 3 and 4 within a period of six months from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ssm

To

1.The Secretary to Govt Public Works
Department, Fort.St.George, Chennai-9

2.The Secretary to Govt Rural Development
and Panchayatraj, Fort.St.george
Chennai-9

3.The Principal Chief Engineer
Public Works Department, Chepauk, Chennai-5

4.The Executive Engineer
PWD/ WRO Public Works Department, Ariyalur.

5.The District Collector
Ariyalur- 621705 Ariyalur District.

W.P.No.18217 of 2019

KS(CO)
SP(25/08/2020)



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