

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM :

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

W.P.No.18117 of 2020
and
W.M.P.No.22503 of 2020

K.Malar

... Petitioner

Vs.

1.The Secretary,
High Ways Department,
Fort St. George,
Chennai - 600 009.

2.The Divisional Engineer,
High Ways Department,
Construction and Maintenance,
Kancheepuram.

3.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Kancheepuram.

4.The Superintending Engineer,
Public Works Department (WRO),
Kancheepuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 2 and 3 herein from laying of cement pipes cutting across the Periya Eri to reach the private lands belonging to the petitioner in survey No.532 / 1 and consequently direct the 4th Respondent to remove the encroachment on the Bund of periya Eri for smooth flow of excess water.

For Petitioner : Mr.R.Siddharth

For Respondents : Ms.R.J.Radhika
Government Advocate

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner is the owner of an agricultural land admeasuring an extent of 2.75 Acres in Survey No.532 at Vaiyavoor Village, Kancheepuram Taluk and District and the Highways Department is taking steps to expand the road from Kancheepuram to Vaiyavoor.

2.Learned counsel appearing for the petitioner would submit that, on account of the recent heavy downpour, surplus water is flowing from Nathapettai Periya Eri, and right on the bank of the said waterbody, there are lot of encroachments, for which, no steps have been taken to remove the same. Now, attempts are being made by the respondents 2 to 4 to divert the excess water through patta land of the petitioner by laying cement pipes, despite the fact that no permission or licence has been accorded by the petitioner. The petitioner, in this regard, has also submitted a representation, dated 24.11.2020, to the office of the 3rd respondent, and it was also acknowledged on 24.11.2020, and despite receipt of the same, steps are being taken to lay the cement pipes, and prays for appropriate orders.

3.Ms.R.J.Radhika, learned Government Advocate, accepts notice on behalf of the respondents, and would submit that the land of the petitioner would be inspected in the presence of the petitioner in the light of the contents of the representation and depending upon the result of the same, further action would follow.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.This Court, taking into consideration the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in the representation dated 24.11.2020 or in this writ petition, directs the 3rd respondent to cause inspection of the petitioner's land in Survey No.532 at Vaiyavoor Village, Kancheepuram Taluk and District, admeasuring an extent of 2.75 Acres, in the presence of the petitioner based upon the petitioner's representation, dated 24.11.2020, and if the result of the inspection reveals the laying of cement pipes to divert the excess water through the land of the petitioner without licence/permission, shall pass appropriate orders on merits and in accordance with law, and shall complete the said exercise within a period of three weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The Secretary,
High Ways Department,
Fort St. George,
Chennai - 600 009.
- 2.The Divisional Engineer,
High Ways Department,
Construction and Maintenance,
Kancheepuram.
- 3.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Kancheepuram.
- 4.The Superintending Engineer,
Public Works Department (WRO),
Kancheepuram.

+1cc to Mr.R.Siddharth, Advocate SR.40220
+1cc to the Government Pleader SR.40723

W.P.No.18117 of 2020

VSN II (CO)
CB(01/02/2021)

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