

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.31053 of 2019

P.V.R.Vivekananthan

... Petitioner

Vs

- 1.The Additional Chief Secretary
and Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk,
Chennai - 600 005.
 - 2.The District Collector,
Head of District Level Steering Committee
on Encroachment,
Tiruvarur District,
Tiruvarur.
 - 3.The Tahsildar,
Tiruthuraipoondi Taluk,
Tiruvarur District.
 - 4.Revenue Divisional Officer,
Appellate Committee at Divisional Level,
RDO Office,
Mannarkudi,
Tiruvarur District.
 - 5.District Revenue Officer,
District Level Review Committee,
Thiruvarur District,
Thiruvarur.
 - 6.The Assistant Engineer (PWD)
Thiruthuraipoondi, Muthupet,
Thiruvarur.
- [R6 suo motu impleaded vide
order dated 25.11.2019]

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a Writ of Mandamus or other orders in the nature of Writ directing the second respondent to take action on the original petition filed by the petitioner at Taluk level dated 13.03.2019 as per G.O.(Ms).No.540 dated 04.12.2014 passed by the Revenue [LD6(2)] Department and inlieu of that to order the eviction of encroachments in Uthayamarthandapuram Village in Survey numbers 22/1B, 22/4A, 22/4B, 31/1A, 28, 94, 95, 118, 152/2.

For Petitioner : Mr.N.Ganesha Murthy

For Respondents : Mr.G.K.Muthukumar, Spl, GP
for R1 to R6

ORDER

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

The petitioner has come forward with the grievance that despite representation made as early as 13.03.2019, no adequate step is taken to remove the encroachments made over the water body.

2. In the status report filed by the third respondent, the following statement has been made:-

"02. It is submitted that, as per the directions issued by this Hon'ble Court, encroachments detailed in column no.1 to 6 have been removed absolutely.

03.It is submitted that, as far as encroachments concerning column no.7, measures have been taken as to marking of encroachments as the encroachment in that area consisting of school building and compound and hence, the encroachments will be removed at next phase."

3. From the above, for the column no. 1 to 6 mentioned in the status report, the encroachment are stated to have been removed. However, insofar as column no.7 is concerned, it is stated that the measures are taken to remove the encroachment.

4. When it comes to encroachment, there may not be any difference between the encroachment by construction of house or a school building.

5. In such view of the matter, we are of the view that the respondents will have to take appropriate steps to complete the process of encroachment by following the due process expeditiously within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of accordingly. No Costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Additional Chief Secretary
and Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.
 - 2.The District Collector,
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on Encroachment,
Tiruvarur District,
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 - 5.The District Revenue Officer,
District Level Review Committee,
Thiruvarur District,
Thiruvarur.
 - 6.The Assistant Engineer (PWD)
Thiruthuraipoondi, Muthupet, Thiruvarur.
- +1 cc to Government Pleader Sr.No. 18759

W.P.No.31053 of 2019

ad co A.SK(28/05/2020)