



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14236 of 2021

K.Sekar

...Petitioner

-vs-

1. The State Government of Tamil Nadu
Represented by the Chief Secretary,
Secretariat, Fort St. George, Chennai 600 009
2. The District Collector,
Mayiladuthurai District,
Mayiladuthurai 609 001.
3. The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Mayiladuthurai District 609 001.
4. The Revenue Divisional Officer
Sirkali Revenue Division,
Mayiladuthurai District.
5. The Tasildhar. Sirkali Taluk.
Sirkali-Mayiladuthurai District,
Mayiladuthurai.
- 6 The Executive Officer,
Town Panchayat Office, Vaitheeswaran Koil,
Mayiladuthurai District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to remove the encroachments in "Elephant Tank" and its water inlet channel situated at Thiruvavaduthurai Mutt Street, Vaitheeswaran Koil Town Panchayat, Mayiladuthurai District.

For Petitioner : Mr.K.Rajendran



For Respondents : Mr.P.Muthukumar
Counsel for State
* * * * *

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ORDER
(Made by Senthilkumar Ramamoorthy, J.)

The petitioner seeks removal of encroachments in a waterbody which is referred to as "Elephant Tank" at Thiruvaduthurai Mutt Street, Vaitheeswaran Koil Town Panchayat, Mayliaduthurai District.

2. The petitioner asserts that several anti-social elements have encroached into the elephant tank by putting up compound walls and by filling the tank with debris. It is stated that multiple representations were submitted in this regard including a comprehensive representation dated 10.05.2021. On account of the representations not eliciting a response from the official respondents, the present writ petition is filed.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of all the respondents and states that the sixth respondent is the appropriate authority to take action on the petitioner's representation. In addition, he states that action has been initiated under the applicable law in respect of encroachments in nine survey numbers, whereas action is yet to be initiated as regards two other survey numbers.

4. Accordingly, without going into the merits of the matter, the sixth respondent is directed to consider and dispose of the petitioner's representation dated 10.05.2021 by a reasoned order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity of hearing to all parties affected thereby, including the petitioner and the alleged encroachers. In case it is found that there is indeed an encroachment, the official respondents are directed to initiate action for the removal of such encroachments in accordance with law.

W.P.No14236 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra



To:

1. The Chief Secretary to Government of Tamil Nadu
Secretariat, Fort St. George, Chennai 600 009
2. The District Collector,
Mayiladuthurai District,
Mayiladuthurai 609 001.
3. The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Mayiladuthurai District 609 001.
4. The Revenue Divisional Officer
Sirkali Revenue Division,
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5. The Tasildhar. Sirkali Taluk.
Sirkali-Mayiladuthurai District,
Mayiladuthurai.
- 6 The Executive Officer,
Town Panchayat Office, Vaitheeswaran Koil,
Mayiladuthurai District.

+1cc to Mr.R.S.Krishnaswamy, Advocate, S.R.No.32484

W.P.No.14236 of 2021

JPL (CO)
SU (14/07/2021)