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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.16288 of 2021

M.Kesavan

Vs.

...Petitioner

- 1.The Principal Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 4.The Revenue Divisional Officer,
Ponneri Division, Ponneri.
- 5.The Tahsildar,
Ponneri Taluk,
Ponneri.
- 6.The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Chennai - 600 008.
- 7.The Block Development Officer,
Cholavaram Panchayat Union,
Cholavaram.
- 8.The Commissioner,
Hindu Religious Charitable and
Endowment Department,
Chennai - 600 034.



9.The Assistant Commissioner,
Hindu Religious Charitable and
Endowment Department,
Thiruvallur District,
Thiruvallur.

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10.Chandra A.Mehta

11.Sasikala A.Mehta

12.Rajshree N.Mehta

13.Amit A.Mehta

14.M/s King Foundation,
Represented by its Proprietor,
Shankar, No.122, 7th Cross Street,
Kolathur, Chennai - 600 099.

15.R.Arul

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 7, to restore the water body in Survey Nos.230, 144, 147, 151 and 57 and not to accord any sanction for projects which would endanger the water body, by considering the representation dated 22.06.2021.

For Petitioner : Mr.P.Raja

For Respondents : Mr.P.Muthukumar
Counsel for the State
For RR 1 to 5 and 7 to 9

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner complains of encroachment in a waterbody covered by Survey Nos.230, 144, 147, 151 and 57 in Arumaindhai Village, Tiruvallur District.

2. Mr.P.Muthukumar appearing for respondent Nos.1 to 5 and 7 to 9 submits that it is true that the land covered by the relevant survey numbers is indicated as a waterbody and it would be the Tahsildar who has to inquire and the Block Development Officer has to, thereafter, take action.

3. Accordingly, the petitioner is permitted to make a fresh, detailed representation to the fifth respondent Tahsildar of



Ponneri Taluk within a fortnight from date, whereupon the Tahsildar will conduct an inquiry upon giving notice to all persons who may be affected by his order, including the private respondents herein. The Tahsildar will communicate his reasoned decision to the petitioner and to the private respondents within ten weeks of the receipt of the petitioner's representation. The Tahsildar will also communicate such reason to the relevant Block Development Officer for the Block Development Officer to take immediate appropriate action, if necessary.

W.P.No.16288 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Principal Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Thiruvallur District, Thiruvallur.
- 3.The District Revenue Officer,
Thiruvallur District, Thiruvallur.
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Ponneri Division, Ponneri.
- 5.The Tahsildar,
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- 7.The Block Development Officer,
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Cholavaram.



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9.The Assistant Commissioner,
Hindu Religious Charitable and
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Thiruvallur District,
Thiruvallur.

+1cc to Mr.P.Raja, Advocate, S.R.No.38373

+1cc to the Government Pleader, S.R.No.38496

W.P.No.16288 of 2021

PVS (CO)
RVM(10/08/2021)