



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.20645 of 2021

Dr.P.Josephin Rosy

...Petitioner

Vs.

1.The Executive Engineer,
PWD/Water Resources Department,
Kosasthaliyar Basin Division,
Thiruvallur.

2.The Tasildhar,
Alandur Tasildhar Office,
Chennai - 600 053.

3.R.Renugha
4.Kuppusamy
5.R.Janani

6.4.Used as Scrap Godown
3/538, Krishna Street,
Rajeshwari Avenue,
Madha Nagar,
Chennai.

7.Shanmugam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second respondents to take action against encroacher in S.No.132 of Madhanandhapuram Village of Alandur Taluk in Chennai District and consequently



remove all the illegal constructions and developments made by the encroachers.

For petitioner : Mr.G.Vigneswaran

For respondents : Mrs.Akila Rajendran

Govt Counsel (for R1 and R2)

WEB COPY

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

Mrs.Akila Rajendran, learned Government Counsel takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The prayer in this writ petition is to issue a Writ of Mandamus to direct the first and second respondents to take action against the encroachers in S.No.132 of Madhanandhapuram Village of Alandur Taluk in Chennai District and consequently, remove all the illegal constructions and developments made by the encroachers.

3.The petitioner would state that she is the owner of the plot Nos.17 and 18 and a shop plot comprised in Survey No.130/1 and 131, Madha Nagar Extension - III, Madhanandhapuram village, Alandur Taluk and it was approved lay out. He would state that the adjacent to the plots lies a water-body in S.No.132 of Madhanandhapuram village and it is under control and management of the Public Works Department. It is alleged that in the year 2008, the private respondents, who are workers of Sivashanker Agency, encroached upon the water-body in S.No.132. Since the watercourse has been blocked, leading to flood in the area. Hence, she made a representation to the second respondent on 19.06.2021 and to the first respondent on 22.06.2021. Since no action has been taken, the present writ petition.

4.The learned counsel for the petitioner would state that the petitioner would be satisfied, if a suitable direction is issued to the first respondent to take appropriate action on the basis of her representation.



WEB COPY

5.Mr.Akila Rajendran, learned Government Counsel would state that the first respondent is the competent authority to consider the representation of the petitioner and he is ready to pass orders on the same.

6.In the light of the above submissions of the learned counsels and also taking note of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 22.02.2021 and pass appropriate orders on the same, in accordance with law, after providing sufficient opportunity to all the necessary parties. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

skn

To

1.The Executive Engineer,
PWD/Water Resources Department,
Kosasthaliyar Basin Division,
Thiruvallur.

2.The Tasildhar,
Alandur Tasildhar Office,
Chennai - 600 053.

+1CC to Mr.C.Vigneshwaran, Advocate, SR.No. 50229

+1CC to The Government Pleader, SR.No. 50130

W.P.No.20645 of 2021

KV(CO)

B.VC (18/10/2021)