



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.NO.19399 OF 2021

D.Sudharsanam

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by the Secretary,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai - 600009.
2. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Chennai - 600003.
3. The Chairman cum Managing Director,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.1, Gandhi Irvin Road,
Ansari Estate, Egmore,
Chennai - 600 008.
4. The Collector,
Chennai Collectorate Office,
Singaravelar Maligai, Rajaji Salai,
4th Floor, No.62, Beach Road,
George Town, Chennai - 600 001.
5. The Secretary,
Public Works Department,
Fort St.George,
Chennai - 600009.
6. The Tahsildar,
Madhavaram Taluk Office, Puzhal,
Balaji Nagar, Madhavaram,
Chennai - 600 066.

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents herein to protect and preserve the Pond comprised in Survey No.1026/1 measuring to an extent of 1.17.0 heactares situated at Madhavaram Village and Taluk, Chennai District be maintained as a water body and for public purposes and consequently remove all encroachments thereon in terms of provisions of the TamilNadu Protection of Tanks and Eviction of Encroachment Act, 2007 and other applicable Acts and protect and preserve the said tank.

For the Petitioner : Mr.A.Saranraj

For the Respondents : Mr.P.Muthukumar
State Government Pleader
For RR 1 and 4 to 6

: Ms.Karthikaa Ashok
Standing Counsel
For RR 2 and 3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that a waterbody which is maintained as a pond has been substantially encroached into by the local residents at Madhavaram in Zone-III of the area under the control of the Greater Chennai Corporation.

2. Mr.P.Muthukumar, learned State Government Pleader, appears for the respondent Nos.1 and 4 to 6. Ms.Karthikaa Ashok, learned senior standing counsel, appears for the Corporation, including the respondent Nos.2 and 3. It is submitted on behalf of the Corporation that photographs of the locality have been electronically transmitted to counsel and it does not appear from such photographs that there is any encroachment in or around the pond. It is further submitted by the Corporation that the PWD has entrusted the maintenance of the pond and its surroundings to the Corporation and care is taken to ensure that the pond is not disturbed by any encroacher.

3. Since the petitioner claims that there may be some encroachment, notwithstanding the Corporation's submission, the petitioner is permitted to carry a fresh, detailed representation to the Zonal Officer, Zone-III of the Corporation



within a fortnight from date, whereupon such official will conduct an inquiry and ascertain whether there is any shred of encroachment. If any encroachment is found, the Corporation should take immediate appropriate steps in accordance with law to remove the same. The Corporation must remain vigilant that the area surrounding the waterbody is left free from encroachment and there is no contamination of the water in the pond.

W.P.No.19399 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary,
The State of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai - 600009.
2. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
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5. The Secretary,
Public Works Department,
Fort St.George,
Chennai - 600009.



6. The Tahsildar,
Madhavaram Taluk Office, Puzhal,
Balaji Nagar, Madhavaram,
Chennai - 600 066.

+1cc to Mr.N.Nithianandham, Advocate, S.R.No.46797
+1cc to Ms.Karthikaa Ashok, Advocate, S.R.No.46418
+1cc to the Government Pleader, S.R.No.46843

W.P.NO.19399 OF 2021

NR(CO)
PBS/22/09/2021