



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.NO.20022 OF 2021

G.Raman

...Petitioner

-VS-

1. The Director
Department of Environment,
Ground Floor, Panagal Maaligai,
Saidapet, Chennai 600 015.
2. The Member Secretary
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy, Chennai 600 032.
3. The District Collector,
Kallakurichi District.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Villupuram District, No.4/308 Ellis
Chathiram Road, Villupuram 605 602.
5. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
6. Dharani Sugar and Chemical Ltd
Represented by its Manager.
Kalaiyanallur Village. Pallagacheri post.
Sankarapuram Taluk.
Kallakurichi District 606 206.

...Respondents



Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing 3rd and 5th respondents to remove the encroachment from the Government Porompoke Water Body in Survey Nos.20/3, 21/1, 24/1, 27/2 and 40/3 situated at Kalaiyanalloor village, Sankarapuram Taluk, Kallakurichi District which encroached by the 6th respondent by considering the petitioner's representation dated 09.04.2021 preferred before the 1st to 4th respondents in accordance with law.

For the Petitioner : Mr.S.Mohamed Ansar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 to 5.

ORDER

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

The grievance of the petitioner is that the sixth respondent private party has encroached into a waterbody in course of its sugar-cane manufacturing business.

2. Mr.P.Muthukumar, learned State Government Pleader, takes notice on behalf of the respondent Nos.1 to 5. According to him, the Tahsildar, Sankarapuram Taluk, is the appropriate authority to look into the matter. However, learned State Government Pleader submits that in view of the ensuing local body elections, nothing can be done before October 16, 2021.

3. Accordingly, W.P.No.20022 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation pertaining to the matters complained of to the fifth respondent Tahsildar of Sankarapuram Taluk. Upon receipt of the representation, the Tahsildar will conduct an inquiry after giving due notice to the sixth respondent and any other person who may be affected thereby. In the event the Tahsildar finds any encroachment in the waterbody or any government land, the Tahsildar will take immediate appropriate steps in accordance with law for the removal thereof. At any rate, the Tahsildar's speaking order following his inquiry should be communicated to both the petitioner and the sixth respondent herein within a period of eight weeks from October 16, 2021.



4. Since this order does not prejudice the sixth respondent and the Tahsildar has been required to give notice to the sixth respondent before conducting the inquiry, no previous service has been directed to be made on the sixth respondent. However, the petitioner should immediately forward copies of the petition and this order to the sixth respondent.

There will be no order as to costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

sra

To:

1. The Director
Department of Environment,
Ground Floor, Panagal Maaligai,
Saidapet, Chennai 600 015.
2. The Member Secretary
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy, Chennai 600 032.
3. The District Collector,
Kallakurichi District.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Villupuram District, No.4/308 Ellis
Chathiram Road, Villupuram 605 602.
5. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

+1cc to the Government Pleader, High Court, Madras, S.R.No.48244

W.P.No.20022 of 2021

SJ(CO)
RLP(27/09/2021)