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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

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

W.P.No.21679 of 2021

P.Balaji

...Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
St. George Fort., Secretariat,
Chennai - 600 009.
2. The Secretary,
Government of Tamil Nadu,
Public Works Department,
Kamarajar Promenade, PWD Estate,
Chepauk, Triplicane,
Chennai - 600 005.
3. The District Collector,
Thiruvallur District,
Tiruvallur.
4. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
5. The Revenue Divisional Officer,
Ponneri Sub-Division,
Ponneri Taluk,
Thiruvallur District - 601 204.
6. The Tahsildar,
Ponneri Taluk,
Tiruvallur District - 601 204.
7. The Zonal Deputy Tahsildar,
Minjur, Thiruppalaivanam Firka,
Ponneri Taluk, Thiruvallur District.



8. The Revenue Inspector,
Thiruppalaivanam Firka,
Ponneri Taluk, Thiruvallur District.
9. The Village Administrative Officer,
No.10, Sirulapakkam Village,
Thiruppalaivanam Firka,
Ponneri Taluk, Thiruvallur District.
10. The Taluk Surveyor,
Ponneri Taluk, Thiruvallur District.
11. The Firka Surveyor,
Thiruppalaivanam Firka,
Ponneri Taluk, Thiruvallur District.
12. The Block Development Officer,
Minjuri Panchayat Union,
Minjur - 601 203,
Ponneri Taluk, Thiruvallur District.
13. The Assistant Executive Engineer,
PWD - Irrigation Division,
PWD Building,
Angamuthu Mudali Street,
Ponneri - 601 204,
Thiruvallur District.
14. The Superintendent of Police,
Thiruvallur District.
15. The Inspector of Police,
Thiruppalaivanam Police Station,
Ponneri Taluk, Thiruvallur District.
16. N. Chandrasekar
17. Ravi
18. Balasundaram
19. Vadivelu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 13 to take effective action for removing encroachments made in water channel Porombake comprised in S.No.54/1 and 60/1 at No.10, Sirulapakkam village, Thiruppalaivanam Firka, Ponneri Taluk, Thiruvallur District and also to restore the Water Channel as per revenue records by demarcation of boundary lines by fixing Survey Stone, by considering the petitioner's representation dated 02.04.2019



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and 27.07.2020 in the light of G.O.Ms.540 Revenue (LD6(2) Department dated 04.12.2014 within the time fixed by this Court.

For petitioner : Mr.M.Chandrasekaran

For respondents: Mr.T.N.C.Kaushik

Govt. Counsel

(for R1 to R11 & R13 to R15)

Mr.S.J.Mohammed Sathik (for R12)

ORDER

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

Mr.T.N.C.Kaushik, learned Government Counsel takes notice for the respondents 1 to 11 and 13 to 15 and Mr.S.J.Mohammed Sathik, learned Standing Counsel takes notice for the 12th respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner seeks for a direction to the respondents 1 to 13 to remove encroachments made in the water channel Porombake comprised in S.No.54/1 and 60/1 at No.10, Sirulapakkam village, Thiruppalaivanam Firka, Ponneri Taluk, Thiruvallur District.

3.The learned counsel for the petitioner Mr.Chandrasekarn would state that the private respondents have encroached upon water-body in S.No.54/1 and 60/2. Despite representations, no action was taken by the official respondents and hence, the present writ petition.

4.The learned Government Counsel appearing for the respondents 1 to 11 and 13 to 15 and the learned Standing Counsel appearing for the 12th respondent would state that S.No.60/1 is a patta land and the 13th respondent is the competent authority. Since no representation has been given to the 13th respondent, the petitioner may be directed to give a fresh representation and the same will be considered in accordance with law.

5.The learned counsel for the petitioner would state that in the representation as well as in the affidavit, survey number has been correctly stated as 60/2, due to the typographical error, it has been wrongly mentioned as 60/1 in the prayer portion. He would further state that the petitioner is ready to give a fresh representation to the 13th respondent and he may be directed to take action in accordance with law.

6.Considering the submission made on the side side, this Court, without going into the merits of the matter, directs the



petitioner to give a fresh representation to the 13th respondent by enclosing a copy of this order, within a period of two weeks. On receipt of such representation, the 13th respondent shall consider the same and take appropriate action in accordance with law, after providing ample opportunity to all the necessary parties, within a period of three months thereafter.

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

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

skn

To

1. The Secretary,
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2. The Secretary,
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Public Works Department,
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Chepauk, Triplicane, Chennai - 600 005.
3. The District Collector,
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Thiruvallur.
4. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
5. The Revenue Divisional Officer,
Ponneri Sub-Division,
Ponneri Taluk,
Thiruvallur District - 601 204.
6. The Tahsildar,
Ponneri Taluk,
Thiruvallur District - 601 204.



7. The Zonal Deputy Tahsildar,
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8. The Revenue Inspector,
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11. The Firka Surveyor,
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15. The Inspector of Police,
Thiruppalaivanam Police Station,
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+3 Ccs to Mr.M.Chandrasekaran, Advocate sr 52554.

W.P.No.21679 of 2021

KSM(CO)
SP(01/11/2021)