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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.23760 of 2021

Tamilarasan

.. Petitioner

Vs

1. The District Collector
Collectorate Office
Ariyalur District.
2. The Revenue Divisional Officer
Ariyalur, Ariyalur District.
3. The Tahsildar
Ariyalur Taluk, Ariyalur District.
4. Ulaganathan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to take action and remove the encroachments made by the 4th respondent in S.No.40, total an extent of 01.03.0 Hectare which has been classified as Mamanakka Lake (Water Body) situated at Periyathirukkonam Village, Ariyalur Taluk, Ariyalur District by considering petitioner's representation dated 12.10.2021 and consequently direct the respondents 1 to 3 to restore the said lake to its original position at the cost of the 4th respondent to ensure the maintenance of the said lake free from any encroachment in future also for the benefit of villagers.

For the Petitioner : Mr.M.R.Elavarasan



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For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3

ORDER

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

The grievance of the petitioner is that the fourth respondent has encroached into a waterbody at Periyathirukkonam Village of Ariyalur Taluk and Ariyalur District. The petitioner claims that despite the petitioner's representation, the official respondents have taken no action.

2. Mr.P.Muthukumar, learned Government Pleader, takes notice on behalf of the respondents 1 to 3 and submits that the Tahsildar of Ariyalur Taluk would be the appropriate authority to look into the matter.

3. It may not be out of context to record that the on-going rains and the floods in and around Chennai and elsewhere in the State should be a lesson for the government officials to take immediate action against any person attempting to encroach into any waterbody or the path meant for flowing water during the rainy reason.

4. The petitioner is permitted to carry a fresh, detailed representation pertaining to the matters complained of herein to the third respondent Tahsildar of Ariyalur Taluk within a period of four weeks from date. Immediately upon receipt of the representation, the concerned Tahsildar will conduct an inquiry upon due to notice to the petitioner, the fourth respondent and to any other person who may be affected thereby. In the event the Tahsildar finds any encroachment in the waterbody, the Tahsildar will immediately report the matter to the superior officials for expeditious action to be taken to remove the encroachment in accordance with law. At any rate, the final report of the Tahsildar following the inquiry should be forwarded to the petitioner, the fourth respondent and any other person affected thereby within a period of ten weeks of the receipt of the representation in terms of this order.

5. Since no prejudice would be caused to the private respondent by the order above, no previous notice has been required to be issued to such respondent. However, the petitioner will be obliged to immediately forward copies of the petition and this order to the private respondent.



W.P.No.23760 of 2021 is disposed of. There will be no order as to costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
Collectorate Office
Ariyalur District.
2. The Revenue Divisional Officer
Ariyalur, Ariyalur District.
3. The Tahsildar
Ariyalur Taluk,
Ariyalur District.

+1CC to Mr.M.R.Elavarasan, Advocate, Sr.No.57590
+1CC to Mr.Government Pleader, Sr.No.57925

W.P.No.23760 of 2021

EV (CO)
K.RK. (17.11.2021)