

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 33234 of 2019

&

W.M.P. Nos. 33692 & 33693 of 2019 & 1592 of 2021

R. Chinnayan

..Petitioner

Vs.

1. The District Collector of Villupuram,
Villupuram - 605 002,
Villupuram District.
2. The Sub Collector of Villupuram District,
Tindivanam Division, Jakkampettai,
Tindivanam - 604 002,
Villupuram District.
3. The Tahsildar,
Tindivanam Taluk Office,
Nehru Street,
Tindivanam 604 001,
Villupuram District.
4. The Assistant Engineer,
Public Works Department,
(Irrigation Department),
Marakkanam Road,
Tindivanam - 604 001.
5. Mr.E. Dhanasekaran ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the notice/form 111 dated 29.05.2019 of the 4th respondent and quash the same.

For Petitioner :: Mr.R. Agilesh
For Respondents:: Mr.S. Kamalesh Kannan,
Govt. Advocate for R1 to R4

O R D E R

(Order of the Court was made by N.KIRUBAKARAN,J.)

The matter is heard through videoconferencing.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The writ petition has been filed challenging the notice/form 111 dated 29.05.2019 issued by the 4th respondent by which the petitioner was directed to remove the pond

constructed by him for the purpose of fish cultivation.

3. Heard Mr.R. Agilesh, learned counsel for the petitioner and Mr.S.Kamlesh Kannan, learned Government Advocate appearing for respondents 1 to 4. Notice to 5th respondent is dispensed with as the petitioner contends that at the instance of the 5th respondent only, notice has been issued by the 4th respondent. In any event, it is for the 4th respondent to defend the notice.

4. Mr. S.Kamlesh Kannan, learned Government Advocate would submit that even as per the admission in paragraph No.6, the 4th respondent has demolished the fresh water fish farm. Though the petitioner would submit that it is in his patta land, learned Government Advocate would submit that since he has encroached upon the water body, the same was removed by the 4th respondent.

5. In view of the above, the writ petition is dismissed as infructuous. However, it is made clear that the petitioner could cultivate fish in his patta land after obtaining necessary permission as per law. No costs. Connected W.M.Ps are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Collector of Villupuram,
Villupuram - 605 002, Villupuram District.
2. The Sub Collector of Villupuram District,
Tindivanam Division, Jakkampettai,
Tindivanam - 604 002, Villupuram District.
3. The Tahsildar,
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Villupuram District.
4. The Assistant Engineer,
Public Works Department,
(Irrigation Department),
Marakkanam Road, Tindivanam - 604 001.

+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No. 24526