



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

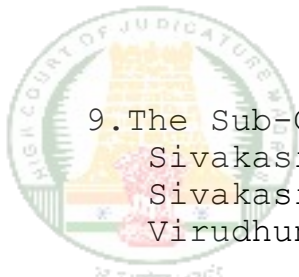
W.P.[MD]No.12178 of 2021

M.Ramasubbu

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Public Works Department/Water Resources Department,
Secretariat, Chennai-600 009.
- 2.The Additional Chief Secretary,
Environment and Forest Department,
Secretariat, Chennai-600 009.
- 3.The Commissioner,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.
- 4.The Chief Engineer,
Public Works Department/Water Resources Department,
Madurai Region,
Madurai-625 002.
- 5.The District Collector,
Virudhunagar District,
Virudhunagar.
- 6.The Executive Engineer,
Public Works Department/Water Resources Department,
Upper Vaippar Basin Division,
Rajapalayam,
Virudhunagar District.
- 7.The Forestry Extension Officer,
Forestry Extension Division,
Virudhunagar District,
Srivilliputhur.
- 8.The District Forest Officer,
Social Forest Division,
Virudhunagar.



9.The Sub-Collector
Sivakasi Revenue Division,
Sivakasi,
Virudhunagar District.

10.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 especially, the fifth respondent to remove the encroachment made by the 7th and 8th respondents in Vadamalaikurichi Tank situated in Survey No.300, North Srivilliputhur Village, Srivilliputhur Taluk, Virudhunagar District and consider the petitioner's representation, dated 28.04.2021.

For Petitioner : Mr.K.Guhan
For Respondents : Mr.R.Baskaran
Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.K.Guhan, learned Counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents.

3.The petitioner, by way of this Writ Petition styled as a Public Interest Litigation, seeks for consideration of his representation dated 28.04.2021.

4.The sum and substance of the allegation and representation is that various departments have put up their office building in a water body. As could be seen from the material papers filed along with the writ petition, the construction was completed much prior to 2008 and the petitioner's first representation to the Tahsildar Srivilliputhur, is during December, 2020. It is not clear as to why the petitioner all of a sudden has given a representation stating that the encroachment has to be removed.

5.The internal communication between the Tahsildar, Srivilliputhur and the District Collector, Virudhunagar District shows that the records relating to the permission obtained by the various department is not available in the office of the Tahsildar. That by itself would not lead that no permission was obtained. The



facts largely rests upon certain informations obtained from RTI and we are not clear as to what are the specific queries which are sought for in those applications under RTI Act. In any event, it may be inequitable to demolish the superstructure, after the construction has been put up long back. It is alleged by the petitioner that on account of the construction, the water retention capacity of the Kanmai is grossly reduced and at times, it leads to flooding. This aspect alone shall be considered by the District Collector, by directing his officers to visit the area after informing the forest department and proceed to take action in accordance with law.

6. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

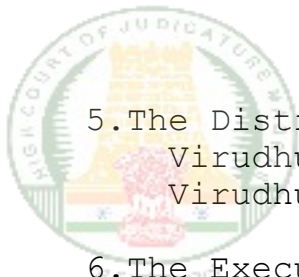
Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary to Government,
Public Works Department/Water Resources Department,
Secretariat, Chennai-600 009.
2. The Additional Chief Secretary,
Environment and Forest Department,
Secretariat, Chennai-600 009.
3. The Commissioner,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.
4. The Chief Engineer,
Public Works Department/Water Resources Department,
Madurai Region,
Madurai-625 002.



5.The District Collector,
Virudhunagar District,
Virudhunagar.

6.The Executive Engineer,
Public Works Department/Water Resources Department,
Upper Vaippar Basin Division,
Rajapalayam,
Virudhunagar District.

7.The Forestry Extension Officer,
Forestry Extension Division,
Virudhunagar District,
Srivilliputhur.

8.The District Forest Officer,
Social Forest Division,
Virudhunagar.

9.The Sub-Collector
Sivakasi Revenue Division,
Sivakasi,
Virudhunagar District.

10.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.K.GUHAN, Advocate (SR-23377[F] dated 20/07/2021)

W.P.[MD]No.12178 of 2021
20.07.2021

MA(CO)
KB(29.07.2021) 4P 12C