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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.6562 of 2018

Ramachandran

: Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.

3.The Secretary to Government,
Department of Municipal Administration
and Water Supply Department,
Secretariat, Chennai-600 009.

4.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Medical College Road,
Thajavur.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the fourth respondent in Survey No.329 of Porunthalur Village, Kulithalai Taluk, Karur District, based on the representations dated 18.01.2018 and 22.01.2018 given to respondents 1 to 3.

For Petitioner

: Mr.T.M.Madasamy

For R-1 to R-3

: Mr.A.K.Manickam
Standing Counsel for Government

For R-4

: Mrs.Porkodi Karnan

O R D E R

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

Heard Mr.T.M.Madasamy, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 to 3 and Mrs.Porkodi Karnan, learned counsel appearing for the fourth respondent.



2.The petitioner has filed this "Public Interest Litigation" alleging that there is an encroachment made by the fourth respondent Tamil Nadu Water Supply and Drainage Board (herein after referred as TWAD Board) in a water catchment area.

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3. From the counter affidavit filed by the fourth respondent, it is seen what has been constructed is a pumping house and small accommodation for the staff of the TWAD Board.

4.Furthermore, we note that the construction was put up in the year 2012. Though it is submitted by the learned counsel for the petitioner that objections were raised right from the beginning, there is nothing on record to show that the objections was given in the year 2012.

5.In any event, it is the TWAD Board, which has to monitor the piped water supply and if portion of the area, adjoining to the pumping station is used for providing temporary accommodation to the employees of the TWAD Board, it cannot be stated that there is an encroachment. Therefore, we decline to issue any writ of Mandamus as sought for by the petitioner.

6.Accordingly, the writ petition is dismissed. It is made clear that no further construction for any residential or office purposes should be made in the land in question and the water body shall be maintained. This will not prevent the TWAD Board from expanding the Pumping station activities, if need arise. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Karur.

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4.The Chief Engineer,
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Medical college Road,
Tanjavur.

+1 CC to SPL GP (SR-20037[F] dated 23/06/2021)

ORDER MADE IN
W.P. [MD]No.6562 of 2018
21.06.2021

KM(07.07.2021) 3P 6C