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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2022

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4797 of 2018

R.Raja

.. Petitioner

vs

- 1.The Secretary
Revenue Department, Ezhilagam
Chepauk Chennai-5
- 2.The Secretary
PWD Department, Secretariat
Fort St. George, Chennai 9
- 3.The District Collector
Kancheepuram Dist., Kancheepuram
- 4.The Revenue Divisional Officer,
Maduranthagam Division, Maduranthagam.
- 5.The Thasildar
Taluk Office Cheyyur
- 6.The Block Development Office
Chithamur Cheyyur Taluk Kancheepuram Dist
- 7.Adhiparasakthi Charitable
Medical Educational and Cultural Trust
(Regd) Rep by its Trustee Melmaruvathur-
603 319 Tamilnadu India. (cause title
amended vide order of court dated
30.1.2019 made in WMP.No.790 of
2019 by CJ and MDJ)
- 8.Karna
- 9.Anjalai



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- 10.Mohan
- 11.Geetha
- 12.Baskar
- 13.Elango
- 14.Sakthivel
- 15.Elumalai
- 16.Jagadeesh
- 17.Kasthuri
- 18.Shanthi
- 19.Vasanthi
- 20.Dhanasekar
- 21.Suresh
- 22.Myl
- 23.Kannan
- 24.Kalidas
- 25.Devi
- 26.Logu
- 27.Siva
- 28.Munusamy
- 29.Sridhar
- 30.Baskar
- 31.Shanmugam
- 32.Indira
- 33.Seetharaman
- 34.Saravanan
- 35.Mani
- 36.Guna

(R8 to R36 impleaded as per order
dated 29.1.2020 made in WMP.No.
3107 of 2019 in W.P.No.4797/2018 by MSNJ & RHJ)

37.The General Manager,
Southern Railways Chennai.

38.The Regional Officer,
National Highways Authority of India
Chennai Region Sri Tower II Floor DP-34
(SP) Industrial Estate Guindy Chennai-32.
(R37 & R38 impleaded as per order dated
13.3.2020 made in WMP.No.29045 of 2019
in WP.No.4797/2018 by MMSJ & KRJ)

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to consider the representation of the petitioner dated 10.7.2017 to remove the encroachments over the water bodies as referred to in his representation dated 10.7.2017 within a time to be fixed by this Court.



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For Petitioner : Mr.V.Vasanthakumar

For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by Mr.S.J.Mohammed
Sathik, GA for R1 to R6

Mr.M.Rajasekar for R7

Mr.K.Kanagendran for R29

Mr.N.Sakthivel for R24 and
R33

Mr.A.Manoj Kumar for R14,
R20 & R30

Ms.R.Selva Kodi for R25 and
R31

Mr.M.Manimaran for R17, R21
and R34

Mr.D.Balakrishnan for R20,
R22, R28, R35 and R36

Mr.P.T.Ramkumar for R40

Batta not filed for RR8,
10, 11, 13, 15, 18, 19, 26,
27, 32 & 38

ORDER

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

We have heard the learned counsel appearing for the respective parties.

2. The writ petition has been filed seeking a direction to the official respondents to consider the representation of the petitioner dated 10.7.2017 to remove the encroachments in the water bodies.

3. The learned Additional Advocate General appearing for the official respondents has submitted a status report showing that in pursuance of the representation made by the petitioner, action has been initiated and a part of the encroachments has been removed. They are in the process of removing the remaining



encroachments and therefore, he sought some more time.

4. While disposing of a batch of writ petitions pertaining to encroachments in water bodies, we issued specific directions to remove the encroachments and file a compliance report on or before 31.3.2022. The said date is fast approaching and the directions issued in the batch of writ petitions are not only in relation to a particular water body, but for all the water bodies in the State of Tamil Nadu, the details of which were given by the Chief Secretary to the State of Tamil Nadu pursuant to the directions of this Court. It was not only indicating the survey number of each water body in the district concerned with the area therein. Therefore, this writ petition can be governed by the order of this Court issued in the batch of writ petitions.

5. Since the matter was separated from the batch of writ petitions, we dispose of this writ petition with a direction to the official respondents to proceed with the action and remove all the encroachments within a period of one month from today and file a compliance report before this Court immediately. It would include the directions given in W.P.Nos.4489, 4508 and 4510 of 2022, which are disposed of today, in the manner indicated therein. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

RS

To:

- 1.The Secretary
Revenue Department, Ezhilagam
Chepauk Chennai-5
- 2.The Secretary
PWD Department, Secretariat
Fort St. George, Chennai 9
- 3.The District Collector
Kancheepuram Dist., Kancheepuram
- 4.The Revenue Divisional Officer,
Maduranthagam Division, Maduranthagam.



5.The Thasildar
Taluk Office Cheyyur

6.The Block Development Office
Chithamur Cheyyur Taluk Kancheepuram Dist

7.The General Manager,
Southern Railways Chennai.

8.The Regional Officer,
National Highways Authority of India
Chennai Region Sri Tower II Floor DP-34
(SP) Industrial Estate Guindy Chennai-32.

+1cc to Mr.P.T.Ram Kumar, Advocate, Sr.No.20809 (30/03/2022)

+1cc to the Government Pleader, Sr.No.21094 (30/03/2022)

W.P.No.4797 of 2018

PPA (CO)
SB (28/03/2022)