



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.12.2021	Pronounced on : 27.01.2022
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CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No. 7996 of 2020

P.Karunanithi

.. Petitioner

vs

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Taluk Office,
Marakkanam Taluk,
Villupuram.
3. The Block Development Officer,
Marakkanam Taluk,
Villupuram.
4. Chandrahasan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to evict the encroachments by the Fourth Respondent in Survey No. 18/3 of Koonimedu Village, Marakkanam Taluk, Villupuram District and restore the place of encroachment to its original position within a stipulated time and to safeguard the lake which has ecological and agricultural importance from further encroachments.

For the Petitioner	: Mr. N.Sivakumar
For the Respondents 1 to 3	: Mr. R.Shunmugasundaram, Advocate General assisted by Mrs. R.Anitha, Special Government Pleader
For the Respondent 4	: Mr. Mohamed Asif



O R D E R
(Order of the Court was made by
the Hon'ble Mr. Justice P.D.AUDIKESSAVALU)

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We have heard Mr. N.Sivakumar, Learned Counsel for the Petitioner, Mr. R.Shunmugasundaram, Learned Advocate General assisted by Mrs. R.Anitha, Learned Special Government Pleader appearing for the First to Third Respondents and Mr. Mohamed Asif, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to evict the encroachments by the Fourth Respondent in Survey No. 18/3 in Koonimedu Village, Marakkanam Taluk, Villupuram District and restore the place of encroachment to its original position within a stipulated time and to safeguard the lake which has ecological and agricultural importance from further encroachments.

3. This Court during the earlier hearing on 10.06.2020 had required the First to Third Respondents to file Counter-Affidavit within four weeks, but the same has not been complied till date.

4. Having regard to the contentions raised by the Petitioner, the Writ Petition is disposed on the following terms:-

- (i) the concerned authority after issuing due notice to the Petitioner, the Fourth Respondent and the persons concerned, shall immediately inspect the lands mentioned by the Petitioner so as to ascertain as to whether it is a water body as claimed by him and if so, to demarcate its boundaries by 15.02.2022;
- (ii) if it has been found that there are any encroachments in that water body, immediate action for their removal shall be taken following the prescribed procedure under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, or the Tamil Nadu Land Encroachment Act, 1905, as the case may be;
- (iii) the report of compliance of action taken in that regard along with FMB sketch and photographs taken before and after the removal of encroachments shall be peremptorily filed before the Registrar (Judicial) of this Court by 31.03.2022;
- (iv) in order to safeguard the water body and avert anymore encroachments in future, the directions issued by this Court in the order dated 27.01.2022 in W.P. (MD) No. 22163 of 2018 etc., batch shall be scrupulously followed; and



(v) the parties shall bear their respective costs.

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Sd/-
Assistant Registrar (CS II)

/true copy/

Sub Assistant Registrar

vjt

To:

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Taluk Office,
Marakkanam Taluk,
Villupuram.
3. The Block Development Officer,
Marakkanam Taluk,
Villupuram.

Copy to:

1. The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.
2. The Section Officer,
Writ Section, High Court,
Madras.
(If compliance report is not filed by 31.03.2022,
the matter shall be listed before the Court thereafter)
3. P. Karunanithi,
S/o. Patturasu,
Forest Range Officer (Rtd),
No. 14, Subbbaiya Nagar,
Thattanachavadi,
Puducherry - 605 009.



4. Chandrahasan,
S/o. Murugesan,
S.No. 18/3, Near Vellakkulam,
Yerimedu, Koonimedu Village,
Marakanam Taluk,
Villupuram - 604 303.

+1cc to Government Pleader, SR.No.5183

W.P.No. 7996 of 2020

GPL (CO)
KM(01/02/2022)