



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.4.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9518 of 2022

Mr.Dhuraimurugan

.. Petitioner

vs

- 1.The District Collector
Office of the District Collector,
Villupuram, Villupuram District.
- 2.The Sub Collector
Office of the Sub Collector,
Thindivanam, Villupuram District.
- 3.The Tahsildar
Sankarapuram Taluk Office,
Melmalayanur Taluk, Villupuram District.
- 4.The Executive Engineer, PWD,
WRO, Lower Pennaiyar Basin Division
Villupuram Villupuram District.
- 5.The Assistant Executive Engineer
PWD, WRO, Lower Pennaiyar Basin Sub-
Division, Tindivanam, Villupuram District.
- 6.The Assistant Engineer PWD
WRO Lower Pennaiyar Basin Sub-Division
Gingee Villupuram District.
- 7.The Block Development Officer
Office of B.D.O. Melmalayanur Villupuram
District.



8.The Village Administrative Officer
Mottur Village 604 201
Kovilpuraiyur Madura, Melmalayanur Taluk
Villupuram District.

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9.Mani
10.Vijayabaskar
11.S.M.Elumalai
12.Masilamani
13.Krishnan
14.Chinnadurai
15.Jeyaraman
16.Kasi

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 8 to take necessary steps to remove the encroachments made by the Respondents 9 to 16 herein made on the big lake situated in Survey No.325 of Kovilpuraiyur Village Melmalayanur Taluk, Villupuram District by considering the petitioner's representation dated 30.7.2021 and enable the farmers to do agricultural.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.J.Ravindran, Additional
Advocate General assisted
by Mr.S.J.Mohammed Sathik,
Government Advocate for R1
to R7

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 alleging encroachment in the land in S.No.325 of Kovilpuraiyur Village, Melmalayanur Taluk, Villupuram District. It is said to be part of a big lake and is being irrigated by the private respondents.

3. The learned Additional Advocate General appearing for the official respondents submits that if the said survey number is belonging to a lake and somebody made encroachments, action would be initiated as per the provisions of law without delay and the lake would be restored.



4. In view of the said submission made by the learned Additional Advocate General, it is not necessary to cause notice to the private respondents because action, if it all is to be taken, is subject to verification of the fact that the said survey number belongs to a lake and furthermore, whether any encroachment exists there. If encroachment is found in the land belonging to a lake, the official respondents would take action as per the provisions of law giving opportunity of hearing to the private respondents.

5. Accordingly, the writ petition is disposed of with a direction to the official respondents to first verify as to whether the land in S.No. 325 belongs to a lake and if it is found so, they would further verify as to whether anybody made encroachments in the land belonging to a lake. If, after verification, it is found that there is an encroachment, then the official respondents are directed to take action as per the provisions of law and see that the lake is restored to its original position. Water bodies are to be maintained and nobody can be allowed to make encroachments. The action, as directed, would be initiated within 15 days from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

RS/MRN

To:

- 1.The District Collector, Villupuram, Villupuram District.
- 2.The Sub Collector, Thindivanam, Villupuram District.
- 3.The Tahsildar, Sankarapuram Taluk Office,
Melmalayanur Taluk, Villupuram District.
- 4.The Executive Engineer, PWD,
WRO, Lower Pennaiyar Basin Division
Villupuram Villupuram District.
- 5.The Assistant Executive Engineer
PWD, WRO, Lower Pennaiyar Basin Sub-
Division, Tindivanam, Villupuram District.



6.The Assistant Engineer PWD
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Kovilpuraiyur Madura, Melmalayanur Taluk
Villupuram District.

+2cc to Mr.V.R.Appaswamee, Advocate SR.No.227824

+1cc to Government Pleader SR.No.27710

W.P.No.9518 of 2022

EV(CO)
GMY(28/04/2022)