



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.8257 of 2022

Mr.K.Ramamoorthy

..Petitioner

-vs-

1.Government of Tamil Nadu
Public Works Department
Water Resources Organisation
Gudiyatham 632 602
rep.by its Asst. Engineer (Estate Officer)

2.Executive Engineer
PWD, Water Resources Organisation
Upper Palar Division, Vellore
Gandhi Nagar, Vellore District

3.The District Collector of Vellore
Vellore District, Vellore

..Respondents

Petition under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorari in Proceedings
No.01/Ko.29/U.Po.ko/2022 dated 18.03.2022 on the file of the
Asst.Engineer of PWD in Water Resources Organisation at
Gudiyatham and call for the records and quash the same.

For Petitioner :: Mr.R.Ponnusamy

For Respondents :: Mr.A.Selvendran
Special Government Pleader



ORDER

(Order of the Court was made by T.RAJA, J.)

Mr.K.Ramamoorthy, S/o Mr.Kathirvel, a resident of No.45, Thiruvalluvar Street, Pavodumthoppu, Nellorepet, Gudiyatham, has filed this writ petition for quashing the proceedings dated 18.03.2022 bearing No.01/Ko.29/U.Po.ko/2022 issued by the first respondent.

2. Learned counsel appearing for the petitioner submitted that the petitioner is a resident of Pavodumthoppu, Nellorepet, Gudiyatham amongst the 600 families living there. There are 7 streets formed and in all the 7 streets, buildings have been constructed. During the local body elections held recently, ward members were also elected. Since the petitioner and others have formed the area as dwelling and residential settlement and have been living there for more than four decades, they have not obstructed the water passage at any point of time. Now the street lights and other civic amenities like drainage, water pipeline, cement road, electricity etc., have also been provided by the Gudiyatham Municipality. Later on the houses constructed by the petitioner and others have also been assessed to tax and they are also paying the property tax regularly. The residents have also been issued with the Family Card, Voter Identity Card, Aadhar Card and other documents evidencing their presence in the area and they are also living there peacefully and safely. While so, all of a sudden, the impugned notice has been issued to evict them from their houses situated in Survey No.1272/1 and 2 in Pavodumthoppu, Nellorepet. Since they are living there for quite a long time, the learned counsel submitted that the respondents should be injuncted from interfering with their peaceful possession and enjoyment and the impugned notice also shall be liable to be quashed.

3. In reply, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents, placing on record the written instructions along with the revenue records in respect of Survey No.1272 classifying the said land as Gowndanya river, submitted that the petitioner and other residents, without even caring for their lives, obstructing the water flow in the Gowndanya river, raised constructions and they are living in the river. If heavy rain lashes during the monsoon season, the entire houses constructed in this place would be washed away. Secondly, in view of the obstruction caused by the petitioner by raising a pucca building utilising the river side poramboke, the course of the river also would be obstructed and as a result, the river water, instead of flowing into the river, would be shifting its course and would cause a disaster during the rainy season. Therefore, action has been taken.



4. We are also able to see from the revenue records produced by the learned Special Government Pleader appearing for the respondents that the interim prayer sought for by the petitioner to injunct the respondents is related to the land covered in Survey No.1272/1 and 2 in Pavodumthoppu, Nellorepet and the said survey number is clearly classified as Gowndanya river in the revenue records. Therefore, this Court, considering the fact that the petitioner and others are living inside the river, appreciating the steps taken by the respondents to avoid a catastrophe, is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.Nos.8246 & 8247 of 2022 are also dismissed. There is no order as to costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1.The Assistant Engineer (Estate Officer),
Public Works Department,
Water Resources Organisation,
Gudiyatham 632 602.

2.The Executive Engineer,
PWD, Water Resources Organisation,
Upper Palar Division, Vellore,
Gandhi Nagar, Vellore District.

3.The District Collector of Vellore,
Vellore District, Vellore.

+1cc to Government Pleader SR. No. 23234

W.P.No.8257 of 2022

GPL (CO)
PR (28/04/2022)