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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.11944 of 2022

K.Narayanaswamy

.... Petitioner

Vs

- 1.The District Collector
Chengalpattu District.
- 2.The District Revenue Officer
Chengalpattu Taluk
Chengalpattu District.
- 3.The Tahsildar
Chengalpattu Taluk
Chengalpattu District.
- 4.The Block Development Officer
Chengalpattu Taluk
Chengalpattu District.
- 5.The Village Administrative Officer
Thiruvadisoolam,
Chengalpattu Taluk
Chengalpattu District.
- 6.The Commissioner
Hindu Religious and Charitable Endowments
No.119, Uthamar Gandhi Road
Nungambakkam, Chennai 600 034.
7. The Joint Commissioner
Hindu Religious and Charitable Endowments
Chengalpattu Taluk, Chengalpattu District.
8. Munusamy

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 7 to consider the representation of the petitioner dated 22.02.2022 and to restore the Public Pathway in 48/3 Village Natham in S.No.48/1 Public Temple in



Survey No. 48/2 Government Purambokku Land in 16/10 to an extent of 94 Cents and the water Channel in Survey No. 16/11 to an extent of 23 cents in Porunthawakkam Village, Chengalpattu Taluk, Chengalpattu District and consequently to take action against 8th respondent herein for encroaching the Public Pathway, Temple land, Government Purambokku Land and Water Channel.

For Petitioner : Mr.G.Muthukumar

For Respondents 1 to 5 : Mr.J.Ravindran
Additional Advocate General
for Mr.A.Selvendran,
Special Government Pleader

For Respondents 6 & 7 : Mr.NRR.Arun Natarajan
Special Government Pleader (HR&CE)

O R D E R

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has filed this Public Interest Litigation by way of writ petition, alleging that the eighth respondent by name Munusamy encroached the village natham, temple land, common pathway, Government poramboke land and water channel in respective S.Nos.48/1, 48/2, 48/3 16/10 and 16/11 of Porunthawakkam Village, Chengalpattu Taluk, Chengalpattu District, which are used by the villagers for more than hundred years. He made construction in the common pathway and thereby, caused hindrance to the general public. Besides this, he tried to put up fencing and erect cow shed by encroaching the Government poramboke land. That apart, he encroached the water channel and converted the same into his private property. He also encroached the temple land and attempted to put up fencing. Aggrieved over such acts of the eighth respondent, the petitioner and the villagers made several representations to the first respondent, finally, on 22.02.2022, to the first respondent requesting to take appropriate action against the said encroacher. However, none of the representations yielded any positive response. Therefore, the petitioner has prayed for a mandamus directing the respondents 1 to 7 to remove the encroachments made by the eighth respondent in the common pathway, village natham, temple land, Government poramboke land and water channel and take appropriate action against him by considering the representation dated 22.02.2022.

2.Heard the learned counsel for the petitioner, the learned Additional Advocate General appearing for the respondents 1 to 5 and the learned Special Government Pleader appearing for the respondents 6 and 7 and perused the documents enclosed in the typed set of papers.



3. In the light of the afore-noted factual scenario and having regard to the settled legal position that encroachments over the Government lands / water bodies/ temple lands, causing disturbance and hindrance to the general public, should be removed with immediate effect and necessary action should be taken against the encroachers, this court directs the respondent authorities to consider the representation of the petitioner dated 22.02.2022 and take appropriate action, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, eighth respondent as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order. Since an opportunity of hearing is directed to be given to the eighth respondent, notice in this writ petition to the eighth respondent is dispensed with.

4. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Vacation Officer

//True copy//

Sub Assistant Registrar

KST/RPP

To

1. The District Collector,
Chengalpattu District.
2. The District Revenue Officer,
Chengalpattu Taluk,
Chengalpattu District.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District.
4. The Block Development Officer
Chengalpattu Taluk
Chengalpattu District.
5. The Village Administrative Officer
Thiruvadisoolam,
Chengalpattu Taluk
Chengalpattu District.



6. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.

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7. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Chengalpattu Taluk, Chengalpattu District.

+2ccs to Mr.G.Muthukumar, Advocate SR.No.31064

+1cc to Special Government Pleader (HR & CE) SR.No.31215

+1cc to Government Pleader SR.No.31188

W.P.No.11944 of 2022

SV(CO)
GMY(25/05/2022)