



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. 14044 OF 2019
AND
W.M.P. NO. 14115 OF 2019

K.Viswanathan

.. Petitioner

vs

1. The Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
3. The District Revenue Officer,
Coimbatore District,
Coimbatore - 641 018.
4. The Revenue Divisional Officer,
Coimbatore District,
Coimbatore - 641 018.
5. The Tahsildar,
Sulur Taluk,
Coimbatore District,
Coimbatore - 641 201.
6. The Executive Engineer,
Bhavanisagar Dam Division,
Public Works Department (Water Resources),
Bhavanisagar,
Erode - 638 457.



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7. The Assistant Executive Engineer,
Irrigation Sub-Division,
Public Works Department (Water Resources),
Town Hall,
Coimbatore - 641 001.
8. The Commissioner,
Town and Country Planning,
Chengalrayan Building, 4th Floor,
No. 807, Anna Salai,
Chennai - 600 002.
9. The Member Secretary,
Coimbatore Local Planning Authority,
Sivananda Colony,
Coimbatore - 641 001.
10. The Codissia Industrial Park Limited,
Revathi Building,
No. 115, 123, Huzur Road,
Behind Court, Gopalapuram,
Coimbatore - 641 018.

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the First to Seventh Respondents to remove the illegal encroachment of water bodies, water channels and cart track comprised in Survey Nos. 89/2, 90, 100/2, 101/2, 140, 296, 304, 311, 312 and 320 of Kallappalayam Village, Sulur Taluk, Coimbatore District and forbear the Tenth respondents from laying the new road on the water bodies, water channels and destroying the cart tract used by the villagers from time immemorial without any valid right.

For the Petitioner	: Mr. K.Magesh
For the Respondents 1 to 9	: Mr. R.Shunmugasundaram, Advocate General assisted by Mrs. R. Anitha, Special Government Pleader
For the Respondent 10	: Mr. Jagadeesan



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

We have heard Mr. K.Magesh, 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 Ninth Respondents and Mr. Jagadeesan, Learned Counsel for the Tenth 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 First to Seventh Respondents to remove the illegal encroachment of water bodies, water channel and cart track comprised in Survey Nos. 89/2, 90, 100/2, 101/2, 140, 296, 304, 311, 312 and 320 of Kallapalayam Village, Sulur Taluk, Coimbatore District and forbear the Tenth Respondent from laying new road on water bodies, water channels and destroying the cart track used by the villagers from time immemorial without any valid right.

3. 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 Tenth 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 or cart track 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 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;
- (v) W.M.P. No. 14115 of 2019 is closed; and



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(vi) the parties shall bear their respective costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vjt

To:

1. The Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
3. The District Revenue Officer,
Coimbatore District,
Coimbatore - 641 018.
4. The Revenue Divisional Officer,
Coimbatore District,
Coimbatore - 641 018.
5. The Tahsildar,
Sulur Taluk,
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Bhavanisagar Dam Division,
Public Works Department (Water Resources),
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7. The Assistant Executive Engineer,
Irrigation Sub-Division,
Public Works Department (Water Resources),
Town Hall,
Coimbatore - 641 001.



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8. The Commissioner,
Town and Country Planning,
Chengalrayan Building, 4th Floor,
No. 807, Anna Salai,
Chennai - 600 002.

9. The Member Secretary,
Coimbatore Local Planning Authority,
Sivananda Colony,
Coimbatore - 641 001.

Copy to:

1. K. Viswanathan,
S/o. Krishnasamy,
No. 33A-1, Mullai Nagar,
Vellalur Road,
Pothanur,
Coimbatore - 641 023.
2. The Codissia Industrial Park Limited,
Revathi Building,
No. 118, 123, Huzur Road,
Behind Court, Gopalapuram,
Coimbatore - 641 018.
3. The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.
4. The Section Officer,
Writ Section, High Court,
Madras.

Note: If compliance report is not filed by
31.03.2022, the matter shall be listed
before the Court thereafter.

+1cc to Mr. K.Magesh, Advocate, S.R.No.4595
+1cc to the Government Pleader, S.R.No.5193

W.P.No. 14044 of 2019

KSM(CO)
PM/07/02/2022