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W.P.No.19607/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 28-10-2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.19607 of 2022

S.Julian Selvam

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Petitioner

-VS-

1.The District Collector,
Office of the District Collector,
Chengalpet District.

2.The District Revenue Officer,
Chengalpet District.

3.The Revenue Divisional Officer,
Chengalpet District.

4.The Tahsildar,
Vandalur Taluk,
Chengalpet District.

5.The Village Administrative Officer,
Nedungandram,
New Perungalathur,
Chennai – 600 063.

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Respondents



Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents to consider the representation, dated 24.03.2022, made by the petitioner and to remove the encroachment in water canal (VAAIKAAL) in S.No.649/4, situated at Nedunkundram Village, Vandalur Taluk, Chengalpet District.

For Petitioner : Mr.T.N.Rajagopalan

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

ORDER
(By D.Krishnakumar,J.)

Petitioner has purchased the property bearing Old No.317/05, New Door No.358/05, Jeevanandham Street, Sathananthapuram, Nedunkundram Village, New Perungalathur, Chennai-63. According to him, on the left side of his property, there is a water canal (kaalvai) in S.No.649/4, running from Nedunkundram lake and passing through Alappakkam lake, Kosapedu lake and Velacherry lake. As per the revenue records, the aforesaid property in Survey No.649/4, is classified as Water Canal. During rainy season, the entire water flows from the canal and reaches Kosapedu lake. While that be so, some unknown persons filled sand in the water canal and tried to put up construction. Therefore, he made a representation on 24.03.2022 to the respondents to



remove the encroachment in the aforesaid property, but there is no action by the respondents. Hence, he has filed this Writ Petition before this Court.

2. Learned Special Government Pleader appearing for the respondents has filed a status report, wherein the fourth respondent, namely, Tahsildar, Vandalur Taluk, has stated that the representation of the petitioner was considered and the land in Survey No.649/4 of Nedunkundram Village, Vandalur Taluk, was inspected by the fourth respondent Tahsildar along with Firka Surveyor and the Village Administrative Officer. The inspection revealed that one foot length cement pillar along with cement flooring and also Electricity Connection Box were in existence in the land in Survey No.649/4 classified as Vaaikkal, a water course poramboke, and the enquiry revealed that one Vajjiravel has obtained the electricity connection. It is further stated that the said water course poramboke comes under the control and maintenance of the local body authority. Hence, to evict the aforesaid encroachment in the water course, the fourth respondent has sent a requisition to the Block Development Officer, Kattankalathur, to initiate appropriate action for evicting the encroachment, vide Lr.No.356/2022/B1, dated 17.08.2022, duly enclosing Forms I and II reports as enunciated under the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act,2007. It is also stated that the Block Development Officer, Kattankalathur, has issued eviction notices to the encroachers as per the provisions of the above said Act. In response, the encroachers have made a petition on 27.08.2022, to the Block Development Officer, Kattankalathur,



and the same is under consideration for taking a decision to evict the encroachments in the land in question. It is further stated that the authority has scheduled a personal hearing for the encroachers on 01.11.2022 and after giving such opportunity to the encroachers, a decision will be taken by the Block Development Officer, and if the said land has been encroached, appropriate action will be taken against the encroachers within a stipulated period.

3. In view of the above said statement, we are of the view that the Block Development Officer, Kattankalathur, who is not a party to the present writ petition, has to take appropriate decision if there is an encroachment in the water body, and if it is so established, based on the said decision, the authorities concerned shall take appropriate action for removal of the encroachments in the property without any delay, after giving proper opportunity to the encroachers.

4. With the above directions, this Writ Petition stands disposed of. No costs.

5. Registry is directed to forward a copy of this order to the Block Development Officer, Kattankalathur, for appropriate action.

Index : Yes/No

(T.V.T.S.,J.)

Internet : Yes/No

Speaking / Non-speaking Order

dixit

(D.K.K.,J.)

28-10-2022



WEB COPY



To

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