



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.AUDIKEVALU

W.P.No. 24524 of 2021

P.Munusamy

.. Petitioner

vs

1. The District Collector of Viluppuram,
Collector Office,
Viluppuram District.
2. The District Revenue Officer,
Viluppuram District.
3. The Revenue Divisional Officer,
Melmalaiyanur Taluk,
Viluppuram District.
4. The Tahsildar,
Melmalaiyanur Taluk,
Viluppuram District.
5. Executive Engineer,
Public Work Department/Water Resources Organization,
Viluppuram District.
6. Assistant Engineer
Public Works Department/Water Resources Organization,
Vallam Irrigation Division (I) Gingee
Viluppuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Fifth Respondent to remove the encroachments on the Thazhangunam Lake situated at Survey No. 96/1, Melmalaiyanur Taluk, Viluppuram District immediately and also to direct the First and Fourth Respondents to lay road for the Ponnan Puravadi Villagers to reach the main road.



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For the Petitioner

: Ms. S.Suseela Devi

For the Respondents

: Mr. R.Shunmugasundaram,
Advocate General
assisted by
Mrs. R.Anitha,
Special Government Pleader

O R D E R

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

We have heard Ms. S.Suseela Devi, Learned Counsel for the Petitioner and Mr. R.Shunmugasundaram, Learned Advocate General assisted by Mrs. R.Anitha, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Fifth Respondent to remove the encroachments on the Thazhangunam Lake situated at Survey No.96/1, Melmalaiyanur Taluk, Viluppuram District immediately and also First and Fourth Respondents to lay road for the Ponnan Puravadi Villagers to reach the main road.

3. The Sixth Respondent has filed a Status Report dated 26.11.2021 stating that nearly 30 people have made encroachments by constructing houses and cultivating crops in the Thazhangunam Lake situated at Survey No.96/1, Melmalayanur Taluk, Viluppuram District, and that Form-I notice had been issued on 21.06.2021 to the encroachers by the Tahsildar of Melmalayanur, and that Form-II and Form-III notices have thereafter been issued on 30.06.2021 and on 05.07.2021 respectively for eviction of the encroachments. It is further stated that since the encroachers did not respond, 27 encroachments have been removed on 25.11.2021, in the presence of the Revenue Officials and Police Officials, and that the remaining three encroachments, which were small houses, could not be removed as the entire area was inundated then. Though further time of 6 months has been sought for vacating the remaining encroachers to identify unobjectionable suitable land to accommodate them, it is not possible to countenance the same. Though the State Government is not precluded from providing any shelter for the homeless under its welfare schemes, at the same time, it cannot be used as a



ruse to delay the process of clearing the illegal encroachments in the water body, which belongs to the public at large.

4. In that view of the matter, the following order is passed:-

(i) the respondents are directed to forthwith proceed with the eviction of the remaining encroachers in the water body following the prescribed procedure under the relevant laws and file a report of compliance in that regard along with FMB sketch and photographs taken before and after the removal of encroachments before the Registrar (Judicial) of this Court by 31.03.2022;

(ii) in order to safeguard the water body and 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; and

5. In the result, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Maya

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

To:

1. The District Collector of Viluppuram,
Collector Office,
Viluppuram District.
2. The District Revenue Officer,
Viluppuram District.
3. The Revenue Divisional Officer,
Melmalaiyanur Taluk,
Viluppuram District.



4. The Tahsildar,
Melmalaiyanur Taluk,
Villupuram District.

5. Executive Engineer,
Public Work Department/Water Resources Organization,
Viluppuram District.

6. Assistant Engineer,
Public Works Department/Water Resources Organization,
Vallam Irrigation Division (I) Gingee,
Viluppuram District.

Copy to:

1. The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

2. The Section Officer,
Writ Section Posting,
High Court, Madras.

+1cc to M/s.S.Suseela Devi, Advocate, S.R.No.4539

+1cc to the Government Pleader, S.R.No.5174

W.P.No. 24524 of 2021

SSI(CO)
SU(07/02/2022)