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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.4.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.25343 of 2021 &

WMP.No.26764 of 2021

A.Akilan

..Petitioner

vs

1. Chief Secretary to Government of
Tamil Nadu, Fort St.George,
Secretariat, Chennai-9.
2. The District Collector, Villupuram
Municipality, Villupuram. Tamil Nadu.
3. The Executive Engineer, Department
of Water Resource, Kilpennar
River Division, Public Works
Department, Villupuram
Municipality, Villupuram. Tamil Nadu.
4. The Commissioner, Villupuram
Municipality, Villupuram.
5. The Executive Engineer, RWS
Division, TWAD Board, 5/4A,
Chairman Govindarajulu Street,
Villupuram-605602.
6. The Tahsildar, Villupuram Taluk
Office, Villupuram-605602.

..Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to evict the encroachments by 5th respondent in survey No.299 reclassified as 299/3A of V.Maruthur Village, Villupuram Municipality, Villupuram District, restore the place of encroachment to its original position within a stipulate time and to safeguard the lake which has ecological and agricultural importance from further encroachments.



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For Petitioner : Mr.N.Sivakumar
For Respondents : Mr.J.Ravindran, Additional
Advocate General assisted
by Mr.P.Muthukumar, State
Government Pleader for R1,
R2, R4 and R6
Ms.S.Shahila Bhanu for R5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the respective parties.

2.The writ petition has been filed seeking a direction to the respondents to evict and remove the encroachments made by the fifth respondent in S.No.299, now reclassified as S.No.299/3A of V.Maruthur Village, Villupuram Municipality, Villupuram District and to restore the water body.

3.The learned Additional Advocate General appearing for respondents 1, 2, 4 and 6 submitted a status report giving out the details and stating that pursuant to the objection raised by the local people, the construction of the sewerage treatment plant was stopped, as it was not approved nor a no objection certificate was given by the Department concerned.

4.In view of the above, the prayer made by the petitioner is accepted and accordingly, S.No.299/3A of V.Maruthur Village, Villupuram Municipality, Villupuram District would be made free from encroachment.

5.The writ petition is disposed of with a direction to the respondents concerned to restore the water body, for which, necessary action would be initiated within four months from the date of receipt of a copy of this order and thereafter, work may be carried out within the specified period given for it pursuant to the action initiated to restore the water body. Consequently, the connected WMP is closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

RS



To:

1. Chief Secretary to Government of
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+1cc to Mr.D.Ravichander, Advocate, S.R.No.23602

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SVI (CO)
RGA(13/04/2022)