

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.27143 of 2022

C.Mohammed Waseem .. Petitioner

Vs.

1. The District Collector
Tiruppathur District
Collector Office
Tiruppathur 635 601.
2. The Executive Engineer
Public Works Department
Water Resources
New Town
Vaniyambadi 635 751.
3. The Revenue Divisional Officer
Tiruppathur District
New Town
Vaniyambadi 635 751.
4. The Tamil Nadu Urban Habitat Board
Rep. by its Managing Director
No.5, Kamarajar Salai
Ayothiya Nagar, Triplicane
Chennai 600 005.

5. The Tahsildar
Taluk Office
Vaniyambadi 635 751
Tiruppathur District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to consider the representation dated 26.08.2022 made by the petitioner and regularise the encroachment comprised at Tiruppathur District, Vaniyambadi Town, Noorullahpet in Ward-F, Block-9, Town Survey Nos.(i) 14/32/1B, (ii) 14/32/1U, (iii) 14/32/1V, (iv) 14/32/1U, (v) 14/32/1V, (vi) 14/32 1V, (vii) 14, following G.O.(Ms) No.854 and in any event for any reasons it concludes that the aforesaid encroachment does not fall under the ambit of the above Government Order, withhold the process of eviction temporarily and provide reasonable time to the petitioner on humanity enable them to adopt an alternative accommodation on their own cost.

For the Petitioner : Mr.B.Ram Prasath

For the Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition has been filed for a direction to the respondents to consider the representation of the petitioner dated 26.08.2022 for regularising the encroachment in Town Survey Nos.(i) 14/32/1B, (ii)

14/32/1U, (iii) 14/32/1V, (iv) 14/32/1U, (v) 14/32/1V, (vi) 14/32 1V, (vii) 14, Ward-F, Block-9, Noorullahpet, Vaniyambadi Town, Tiruppathur District.

2. The petitioner, by his representation dated 26.08.2022, has requested the second respondent to regularise the encroachment or in the alternative, to grant time to the encroachers to vacate the place in question.

3. When the matter is taken up, Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents submits that the place in question is a waterbody and therefore, no residential or commercial building can be allowed, hence, the encroachments cannot be regularised.

4. In view of the above, considering the request made by the petitioner, we grant two months' time for vacating on condition that the petitioner shall file an affidavit within a week, undertaking to vacate, failing which, the respondents are at liberty to take appropriate

action to remove the encroachments by following the due process of law.

The writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
12.10.2022

Index : Yes/No
kpl

To

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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J

(kpl)

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