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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.28303 of 2021

P.Sundaram

...Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Gummidipoondi,
Thiruvallur District.

3.The Tasildhar,
Gummidipoondi Taluk,
Gummidipoondi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to remove all sort of encroachments made in water-bodies at Thiruvallur District, Gummidipoondi Taluk, No.79, Kizhmudalambedu village, Kizhmudalambedu-II comprised in Survey Nos.256/2, 256/4, 257/3, 257/6, 264/1, 265/3, 265/4, 268/2, 268/5, 269/4, 270/2, 273/3, 274/10, 276/1, 276/3, 283/3, 287/1, 287/6, 288/4, 288/6, 289/10, 289/3, 294/1, 294/3, 294/5, 295/1, 295/5, 296/3, 297/2, 297/3, 297/9, 298/1, 298/3, 298/6, 298/10, 299/2, 300/1, 301/1, 301/5, 303/4, 305/5, 306, 307/2, 307/10, 308/3, 309/1, 310/1, 409/2, 410/2 forthwith.

For petitioner : Mr.A.P.Surya Prakasam

For respondents : Mr.R.Siddharth
Govt. Advocate



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

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We have heard Mr.A.P.Surya Prakasam, learned counsel appearing for the petitioner and Mr.R.Siddharth, learned Government Advocate appearing for the respondents.

2.This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents to remove the encroachments made in water-bodies at Thiruvallur District, Gummidipoondi Taluk, No.79, Kizhmudalambedu village, Kizhmudalambedu-II comprised in Survey Nos.256/2, 256/4, 257/3, 257/6, 264/1, 265/3, 265/4, 268/2, 268/5, 269/4, 270/2, 273/3, 274/10, 276/1, 276/3, 283/3, 287/1, 287/6, 288/4, 288/6, 289/10, 289/3, 294/1, 294/3, 294/5, 295/1, 295/5, 296/3, 297/2, 297/3, 297/9, 298/1, 298/3, 298/6, 298/10, 299/2, 300/1, 301/1, 301/5, 303/4, 305/5, 306, 307/2, 307/10, 308/3, 309/1, 310/1, 409/2, 410/2 forthwith.

3.The third respondent, Tahsildar, Gummidipoondi Taluk, Tiruvallur District has filed a counter, wherein, it has been stated that there are 72 encroachments in S.No.264/1, which is classified as 'Kuttai' in the revenue records. It is further stated that all the survey numbers covered in this writ petition are not relating to water-bodies. Furthermore, there is no encroachment in other land.

4.The learned Government Advocate appearing for the respondents Mr.R.Siddharth, on instructions, submitted that the encroachments in S.No.264/1 were identified and proper instructions have been given to the Public Works Department to remove the encroachments.

5.Since the Executive Engineer, Public Works Department is not a party in this writ petition, we hereby direct the District Collector, Tiruvallur District to give appropriate instructions to the concerned Executive Engineer to remove the encroachments. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order. Needless to mention that before removing the encroachments, the authorities shall provide adequate opportunity to the necessary parties and they should follow the procedures as contemplated under the Act.



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6. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Office of the District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer,
Gummidipoondi,
Thiruvallur District.
3. The Tasildhar,
Gummidipoondi Taluk,
Gummidipoondi.

+1cc to Government Pleader SR.No.6473

W.P.No.28303 of 2021

PCH (CO)
GMY (04/03/2022)