



W.P.No.28173 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28173 of 2022

A.Velmurugan

.. Petitioner

Vs

- 1.The District Collector,
Puducherry,
Puducherry District.
- 2.The Tahsildar,
Ulavarkarai Commune,
Ulavarkarai, Puducherry.
- 3.The Chief Engineer,
Public Works Department (Irrigation),
Puducherry.
- 4.The Member Secretary,
Town and Country Planning Department,
Puducherry.
- 5.The Member Secretary,
Puducherry Planning Authority,
Puducherry.
- 6.The Commissioner,



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Olgaret Municipality,
Puducherry.

7.Joseph
8.S.P.Lallu

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 6 to remove the encroachment made by the 7th and 8th respondents in the water body situated at R.S.No.166/1, Saram Village, Olgaret Taluk, Puducherry District.

For the Petitioner : Mr.R.Rajarajan

For the Respondents : Mr.J.Kumaran
Addl. Government Pleader
(Puducherry)
for respondent Nos.1 to 5

ORDER

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

Mr.A.Velmurugan, son of Arumugam, a resident of Door No.9, 19t Cross Street, Krishna Nagar, Puducherry-8, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 to 6 to remove the encroachments made by respondents 6 and 7 in



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the waterbody situated at R.S.No.166/1, Saram Village, Olgaret Taluk, Puducherry District.

2. Learned counsel for the petitioner submitted that a waterbody is situated in Survey No.166/1 on the northern side of the land comprised in Survey No.166/4. Further north of Survey No.166/1, the private respondents 7 and 8 who are claiming to be owners of the properties in Survey No.166/2, have started encroaching into the waterbody comprised in Survey No.166/1 and also attempted to raise constructions in violation of the Puducherry Town and Country Planning Act, 1973 without obtaining approval from the concerned authorities. Learned counsel would submit that in this regard, the petitioner has submitted a representation on 17.8.2022 to the third respondent, followed by another representation to respondents 1 to 6 on 9.10.2022. It is stated that despite the receipt of the representations, the official respondents have not taken any action for removal of encroachments. Hence, the petitioner has constrained to file the present petition.



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3. Mr.J.Kumaran, learned Additional Government Pleader (Puducherry) appearing for respondents 1 to 5, submitted that the respondents are ready to consider and dispose of the representation of the petitioner within a period of eight weeks.

4. Recording the submission made by learned Additional Government Pleader (Puducherry), the writ petition is disposed of by directing the respondents to consider and dispose of the representation of the petitioner dated 9.10.2022, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after hearing all concerned. There will be no order as to costs. Consequently, W.M.P.No.27462 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
26.10.2022

Index : Yes/No
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To

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