



WEB COPY



W.P.No.29974 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29974 of 2022

1.N.Srikanth
2.S.M.Nandakumar
3.U.Balajee Rangha
4.M.Mahendhra

.. Petitioners

Vs

1.The Collector,
Chennai District,
Singaravelan Buildings,
Chennai-600 001.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.

3.The Tahsildar,
Mambalam Taluk,
Chennai-600 078.

4.Ragupathy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3



W.P.No.29974 of 2022

to restore the water canal lying at T.S.No.68 (Old No.62), Virugambakkam, Chennai within a stipulated time and further direct them to keep said water canal free from any encroachment in future.

For the Petitioners : Mr.C.Umashankar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 3

: Mr.A.Arun Babu
Standing Counsel
for respondent No.2

ORDER

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

The miscellaneous petition, W.M.P.No.29384 of 2022, filed to permit the petitioners to file a single writ petition is allowed, inasmuch as they have paid separate sets of court-fee.

2. Mr.Muthukumar, learned State Government Pleader, appears on behalf of respondents 1 and 3. Mr.A.Arun Babu, learned counsel, appears on behalf of the second respondent.

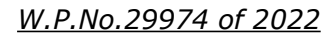


W.P.No.29974 of 2022

WEB COPY

3. The petitioners have jointly filed this writ petition seeking for the issuance of a writ of mandamus to direct respondents 1 to 3 to restore the water canal lying at T.S.No.68 (Old No.62), Virugambakkam, Chennai, within a stipulated time and to further direct them to keep the said water canal free from any encroachment in future.

4. The claim of the petitioners is that there is a water canal situated at Old Survey No.62, New Survey Nos.137, 138 and 68, Virugambakkam Village. Even as per the revenue records, which were perused by us, there is a water canal in the aforesaid survey numbers. However, the grievance of the petitioners is that the fourth respondent, Ragupathy, son of R.M.Rathinam, is trying to form a road on the water canal. When a complaint was given, the fourth respondent was prevented from filling the water canal with rubbish and garbage. Suddenly, the fourth respondent once again started cutting trees and bushes using JCB machinery and also started dumping debris in the said place. In spite of the protest raised by the local residents, the fourth respondent did not pay heed to their request and, therefore, the petitioners approached the police station and complained about the



5. Learned counsel appearing for the second respondent admitted that representation/complaint of the petitioners dated 01.02.2022 shall be considered in the light of the revenue records and decided after issuing notice to the fourth respondent within a reasonable time.

Page 4 of 6



W.P.No.29974 of 2022

period of four weeks. It is needless to mention that the respondent authorities shall ensure that the water canal is restored to its original position as per the revenue records.

There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
11.11.2022

Index : Yes/No
sasi

To

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W.P.No.29974 of 2022

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(sasi)

W.P.No.29974 of 2022

11.11.2022