



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.22680 of 2017
and W.M.P.No.23779 of 2017

Aswin Cold Forge P Ltd.,
Rep. by its Managing Director,
K.Seethapathy

...Petitioner

Vs

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.The Engineer in Chief,
(Water Resources Department) &
Engineer in General,
Public Works Department,
Chepauk, Chennai -5.

3.The Chief Engineer,
Water Resources Department,
Thiruvallur District.

4.The Executive Officer,
Village No.45, Ramapuram Madura Rangarajapuram
Tiruthani Taluk,
Thiruvallur District.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the respondents to preserve the waterway in Survey No.267 to 270, Village No.45, Ramapuram Madura Rangarajapuram Village, Tiruthani Taluk leading to Thayakulam Tank by laying stones to demarcate the petitioner's land and water channel by considering the petitioner's representation dated 29.05.2017.

For Petitioner : No Appearance

For Respondents : Mr.M.Shahjahan
Special Government Pleader



ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to preserve the waterway in Survey No.267 to 270, Village No.45, Ramapuram Madura Rangarajapuram Village, Tiruthani Taluk leading to Thayakulam Tank by laying stones to demarcate the petitioner's land and water channel by considering the petitioner's representation dated 29.05.2017.

2.The case of the Writ Petitioner is that, there is a lake nearer to the petitioner's land and the lake is fed by the channels during the rainy season. These water channels are running through the patta land of petitioner's and also others. One such channel in the petitioner's property runs through south to north in Survey Nos.267 to 270 in Village No.45, Ramapuram Madura Rangarajapuram. The lakes are to the north of the Kavery Rajapuram Road. As the channel is dry during summer, the villagers with the connivance of the authorities want to convert the channel in the petitioner's land into road as a short cut to reach the eastern portion of the Kavery Rajapuram Road.

3.Further, the petitioner admitted to foil the effort of the villagers by erecting a fence around the property to protect the watercourse as well as the standing crops in the land. However, the villagers illegally entered the land and destroyed the fencing material and formed the pathway in the watercourse. In this regard, the petitioner lodged a Police complaint on 14.05.2017. Since no action was taken based on his complaint, a representation was also preferred on 29.05.2017 to the first respondent. The grievance made by the petitioner through his representation was accepted by the Revenue Divisional Officer and the same was forwarded to the Tahsildar on 06.07.2017. However, no action was taken so far.

4.When the matter is taken up for hearing today, none appeared for the petitioner. However, the learned Standing Counsel appearing for the respondents fairly submitted that, the issue in the Writ Petition is with regard to the removal of the encroachment made by the villagers. Therefore, appropriate orders may be passed for the removal of the encroachment.

5.Though none appeared for the petitioner, considering the importance in this matter and taking into consideration the submission made by the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of the Writ Petition.

6.Upon perusal of the pleadings and hearing the submission made by the learned Standing Counsel appearing for the



respondents, it appears that the water channels are running through the patta lands to the lake. If the channels are destroyed or allowed to encroach by the public, ultimately, the water channel will disappear. At any costs, it should not be allowed. In this regard, the petitioner made a representation to the first respondent in the year 2017. It is unfortunate that the officials have not taken any steps to remove the encroachment instead the Revenue Officials have stated that the maintenance of the channel comes under the control of Public Works Department. Whether it comes under the Revenue Department or Public Work Department, all the respondents herein are responsible and it is their duty to join together and clear the encroachment either it belongs to Revenue Department or Public Works Department. If any complaint comes to the Revenue Department, they have to take up the issue and forward the same to the Public Works Department, whereas, they cannot simply finger out that they are not responsible, but, the other Department is responsible. In such view of the matter, this Court directs the respondents 1 to 4 to join together and look that all the encroachments in the channel leading to the lake are removed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Post the matter on 15.03.2022 under the caption "For Reporting Compliance".

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Engineer in Chief,
(Water Resources Department) &
Engineer in General,
Public Works Department,
Chepauk, Chennai -5.
3. The Chief Engineer,
Water Resources Department,
Thiruvallur District.



4.The Executive Officer,
Village No.45, Ramapuram Madura Rangarajapuram
Tiruthani Taluk,
Thiruvallur District.

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+1 cc to Government Pleader Sr.NO. 643

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AK II(CO)
A.SK(20.01.2022)