



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.12.2021	Pronounced on : 27.01.2022
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CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No. 13848 of 2017

K.Raj Kumar

.. Petitioner

vs

1. The District Collector,
Namakkal Collector Office,
Namakkal District.
2. The Revenue Divisional Officer,
Namakkal District.
3. The Tahsildar,
Namakkal Taluk,
Namakkal.
4. The Deputy Superintendent of Police,
Namakkal District.
5. The Village Administrative Officer,
Nallipalayam Village,
Namakkal District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the First Respondents to take necessary action against the encroachers of the water ways to the water body in Survey No. 126 of 6th Ward in Nallipalayam Village, Namakkal Municipality, Namakkal District.

For the Petitioner : Mr. C.D.Johnson

For the Respondents : Mr. R.Shunmugasundaram,
Advocate General
assisted by
Mrs. R. Anitha,
Special Government
Pleader



O R D E R
(Order of the Court was made by
the Hon'ble Mr. Justice P.D.AUDIKESSAVALU)

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We have heard Mr. C.D.Johnson, Learned Counsel for the Petitioner and Mr. R.Shunmugasundaram, Learned Advocate General assisted by Mrs. R.Anitha, Learned Special Government Pleader appearing for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent to take necessary action against the encroachers of the water ways to the water body at Survey No. 126 of Ward No. 6 in Nallipalayam Village, Namakkal Municipality, Namakkal District.

3. This Court during the earlier hearing on 05.06.2017 had required the Respondents to file action taken report by 14.07.2017. Though more than three years have lapsed since then, there is nothing on record to show that the aforesaid order passed has been complied by the Respondents.

4. Having regard to the contentions raised by the Petitioner, the Writ Petition is disposed on the following terms:-

- (i) the concerned authority after issuing due notice to the Petitioner and the persons concerned, shall immediately inspect the lands mentioned by the Petitioner so as to ascertain as to whether it is a water body as claimed by him and if so, to demarcate its boundaries by 15.02.2022;
- (ii) if it has been found that there are any encroachments in that water body, immediate action for their removal shall be taken following the prescribed procedure under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, or the Tamil Nadu Land Encroachment Act, 1905, as the case may be;
- (iii) the report of compliance of action taken in that regard along with FMB sketch and photographs taken before and after the removal of encroachments shall be peremptorily filed before the Registrar (Judicial) of this Court by 31.03.2022;
- (iv) in order to safeguard the water body and avert anymore encroachments in future, the directions issued by this Court in the order dated 27.01.2022 in W.P. (MD) No. 22163 of 2018 etc., batch shall be scrupulously followed; and



(v) the parties shall bear their respective costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

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Sub Assistant Registrar

vjt

Note: If compliance report is not filed by
31.03.2022, the matter shall be listed
before the Court thereafter.

To:

1. The District Collector,
Namakkal Collector Office,
Namakkal District.
2. The Revenue Divisional Officer,
Namakkal District.
3. The Tahsildar,
Namakkal Taluk,
Namakkal.
4. The Deputy Superintendent of Police,
Namakkal District.
5. The Village Administrative Officer,
Nallipalayam Village,
Namakkal District.

Copy to:

1. The Registrar (Judicial),
Madras High Court, Chennai - 600 104.
 2. K. Raj Kumar,
S/o. Karuppan,
D.No. 5/2, West Street,
Nallipalayam Post, Namakkal District - 637 003.
 3. The Section Officer,
Writ Section,
High Court, Madras
- +1 cc to Government Pleader Sr.NO. 5209

W.P.No. 13848 of 2017

pl(CO)
A.SK(02.02.2022)