



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.AUDIKESAVALU

W.P.No. 30397 of 2018
and
W.M.P. No. 35466 of 2018

K.S.Radhakrishnan

.. Petitioner

vs

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government,
Government of Tamil Nadu,
Land Administration Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
3. The Principal Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
4. The Principal Secretary to Government,
Government of Tamil Nadu,
Agriculture Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

.. Respondents



Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to dispose the Petitioner's representation dated 31.07.2018 regarding appointment of District Level Ombudsman for protecting each water bodies and State Level Appellate Ombudsman regarding water bodies in the State of Tamil Nadu and redress the same as quasi-judicial authority by which save the existing each and every water bodies to protect water.

For the Petitioner : Mr.L.Chandrakumar
For the Respondents : Mr. R.Shunmugasundaram,
Advocate General and
Mr. J.Ravindran,
Additional Advocate General
assisted by
Mr. P.Muthukumar,
Government Pleader,
Mrs. R.Anitha,
Special Government Pleader
and
Mr. C.Harsha Raj,
Additional Government Pleader

O R D E R

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

The Petitioner, who is a Social Activist, had made a representation dated 31.07.2018 to the Respondents for creation of a District Level Ombudsman and a State Level Appellate Ombudsman for protecting water bodies in the State of Tamil Nadu. According to the Petitioner, as there was no response for the same, he has been constrained to invoke the public law remedy under Article 226 of the Constitution by prosecuting this Public Interest Litigation in that regard.

2. It has been brought to notice that the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, provides measures for checking and eviction of encroachments in tanks which are under the control and management of the Public Works Department of the State and that in respect of other water bodies which do not fall within the purview of that enactment, the removal of encroachments would have to be carried out in following the provisions of the Tamil Nadu Land Encroachment Act, 1905. That apart, in furtherance to the order dated 08.10.2014 in W.P. No. 26722 of 2013 passed by the Division Bench of this Court, the Government of Tamil Nadu by G.O. (Ms). No. 540, Revenue [LD6(2)] Department dated 04.12.2014 has created a redressal mechanism for an aggrieved person to



approach the authorities at Taluk Level, Division Level and District Level for commencing action against encroachers of water bodies under the relevant statutory provisions.

3. Having regard to the aforesaid existing remedies available, this Court is of the considered view that the suggestion of the Petitioner for establishing an Ombudsman at the District Level and the Appellate Authority at the State Level would not be necessary, though the State is not precluded from taking any decision on its own in that regard in the exercise of its executive and legislative powers.

4. At this juncture, it requires to be stated that the State is reportedly contemplating to re-enact an umbrella enactment for prevention and removal of encroachments in Government lands by the Revenue Authorities as well as all other Competent Authorities of the land owning Departments in Tamil Nadu with an intention to reduce the statutory time period for removal of encroachments and streamline appeal and review procedures. In view of the same, the Petitioner is at liberty to make any suggestion to the concerned authorities regarding creation of Ombudsman and Appellate Authority in the proposed enactment. Nothing remains for further consideration in this Writ Petition.

In the result, the Writ Petition is disposed on the aforesaid terms. W.M.P. No. 35466 of 2018 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vjt

To:

1. The Principal Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government of Tamil Nadu,
Land Administration Department,
Secretariat,
Fort St. George,
Chennai - 600 009.



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3. The Principal Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

4. The Principal Secretary to Government of Tamil Nadu,
Agriculture Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

+1cc to Government Pleader SR. No.5212

+1cc to Mr.L.Chandrakumar, Advocate SR. No.4527

W.P.No.30397 of 2018

PL (CO)

PR (07/02/2022)