



WEB COPY

W.P(MD)No.10982 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SSRIMATHY**

W.P(MD)No.10982 of 2022

Andrews Gnanaraj

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The Executive Engineer,
Public Works Department
(Water Resource Organisation),
District Court Complex, Trichy District.

3.The Tahsildar,
Trichy East Taluk Office, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to remove the encroachments made in the water body comprised in T.S.Nos.4, 17, 25, 26-2, 29-2, 34 and 35 situated at Block No.35, Ward N, Trichy East Taluk, Srirangam Division, Trichy Corporation on the basis of the petitioner's representation dated 20.05.2022 within a time stipulated by this Court.

For Petitioner

:Mr.B.Jameel Arasu

For Respondents

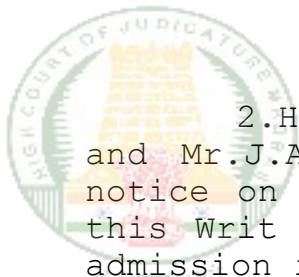
:Mr.J.Ashok

Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents herein to remove the encroachments made in the water body comprised in T.S.Nos.4, 17, 25, 26-2, 29-2, 34 and 35 situated at Block No.35, Ward N, Trichy East Taluk, Srirangam Division, Trichy Corporation on the basis of the petitioner's representation dated 20.05.2022 within a time stipulated by this Court.



2.Heard Mr.B.Jameel Arasu, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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3.The case of the petitioner is that he is a permanent resident of Door No.67/3, Viragu Pettai Street, Crawford, Trichy-12, which comes within the jurisdiction of Trichirapalli City Municipal Corporation. It is the grievance of the petitioner that several unknown persons have encroached the canal (water body) comprised in T.S.Nos.4, 17, 25, 26-2, 29-2, 34 and 35 situated at Block No.35, Ward N, Trichy East Taluk, Srirangam Division, Trichy Corporation and on account of such encroachments, only the drainage waters flow into the canal causing severe health hazards and hardship to the nearby residents.

4.From the documents submitted by the petitioner along with this Writ Petition, it is seen that the petitioner has made a representation to the Chief Minister's Special Cell and in response to that, the first respondent has acknowledged the existence of encroachments in the water body, as complained by the petitioner. Even though the petitioner has not impleaded the encroachers, the learned Counsel for the petitioner submitted that the petitioner is not having the details of persons, who are in encroachment.

5.If there is an encroachment in water bodies, it is the duty of the Public Works Department to take action against those encroachers under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

6.Though the prayer in this Writ Petition is for issuance of positive direction to the respondents to remove the encroachments, the learned Counsel for the petitioner submitted that the petitioner will be satisfied, if a direction is issued to the second respondent to consider the petitioner's representation to be submitted by him within a period of two weeks from the date of receipt of a copy of this order and to take appropriate action, after holding an enquiry, as contemplated under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

7.Considering the limited scope of prayer, that is now sought before this Court by the learned Counsel for the petitioner, without expressing any opinion on the merits of the petitioner's contention in the affidavit filed in support of this Writ Petition and in the representation, this Court is inclined to dispose of the Writ Petition in the following lines:

7.1.The second respondent is directed to consider the petitioner's representation, that may be filed independently by the



a copy of this order, and pass appropriate orders or take appropriate action under the provisions of the Act strictly following the procedure.

7.2.It is made clear that every encroachers shall be put on notice before conducting survey and demarcating the water body.

7.3.The second respondent is directed to complete the entire exercise within a period of sixteen weeks from the date of receipt of representation from the petitioner.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Cmr

To

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The Executive Engineer,
Public Works Department
(Water Resource Organisation),
District Court Complex, Trichy District.

3.The Tahsildar,
Trichy East Taluk Office, Trichy.

+1 CC to M/s.SPL.GP (SR-25181[F] dated 10/06/2022)

W.P(MD)No.10982 of 2022

08.06.2022

SS(20/06/2022) 3P 5C