



W.P.No.8558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8558 of 2023

1. R.Gobal
2. Venkatesan
3. S.Sivanandham
4. R.Vadivel

.. Petitioners

Vs

1. The District Collector
Collector Office
Vellore District.
2. The Tahsildar
Taluk Office
Vellore Taluk, Vellore District.
3. The Panchayat President
Kanniyambadi Panchayat
Kanniyambadi Taluk
Vellore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the third respondent's notice dated 11.2.2023, to quash the



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same as arbitrary, illegal and to consequently direct the first respondent to consider the representation of the petitioners dated 13.2.2023 within a stipulated time.

For the Petitioners : Mr.T.Meganathan

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

W.M.P.No.8740 of 2023 filed by the petitioners to file a single writ petition is allowed, subject to payment of separate court-fees by the petitioners within a week from today. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. The petitioners have filed this writ petition challenging the notice dated 11.2.2023 issued by the third respondent directing them to remove the encroachments put up by them in a water body within seven days.



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3. Mr.T.Meganathan, learned counsel appearing on behalf of the petitioners, would submit that the petitioners are operating a brick kiln in the land in question for the past several years and all of a sudden if the petitioners are directed to vacate the land their livelihood would be drastically affected. He further submitted that ten days' time may be granted to the petitioners to remove the encroachments on their own.

4. This court cannot encourage any encroachment on a water body. The respondent authorities are empowered to take action to remove the encroachments on water body. Hence, we do not find any reason to entertain the writ petition.

5. The writ petition is, accordingly, dismissed. However, considering the request made by learned counsel for the petitioners that the livelihood of the petitioners would be drastically affected, the petitioners are granted a period of ten days from today to remove the encroachments on their own. If the encroachments are not removed within ten days from today, the respondent authorities



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can proceed with the removal of the encroachments. There will be no order as to costs. Consequently, W.M.P.No.8741 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
20.03.2023

Note to Registry:

Issue order copy today (20.3.2023)

Index : No
Neutral Citation : No
sasi

To:

1. The District Collector
Collector Office
Vellore District.
2. The Tahsildar
Taluk Office
Vellore Taluk, Vellore District.
3. The Panchayat President
Kanniyambadi Panchayat
Kanniyambadi Taluk
Vellore District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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20.03.2023