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W.P.No.9476 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9476 of 2022

A.Anandan

.. Petitioner

Vs

1. The Director Collector
Tiruvallur District, Tiruvallur
2. The Revenue Divisional Officer
Ponneri Revenue Division,
Ponneri 601 204,
Tiruvallur District
3. The Tahsildar
Ponneri Taluk office,
Ponneri 601 204,
Tiruvallur District.
4. The Chief Engineer
Public Works Department (WRD),
(Operation and Maintenance of Rivers),
Chepauk, Chennai 05
5. The Executive Engineer
Public Works Department (WRD),
Araniyar Basin Division,
Chepauk, Chennai 05



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6. The Assistant Executive Engineer
(Public Works Department - Water resources),
Araniyar Basin Sub-Division,
Ponneri - 601 204
7. The Executive Officer
Ponneri Town Panchayat,
Ponneri 601 204, Tiruvallur District
8. The District Superintendent of Police
Tiruvallur District, Tiruvallur
9. The Inspector of Police
Ponneri Police Station,
Ponneri 601 204, Tiruvallur District
10. E.RANJINI
11. SILKAMMA
12. V.VIJAYA
13. B.VENGATESH
14. S.SANKAR
15. E.VENGATESH
16. PUSHPHA
17. M.GOPI
18. BINDHU
19. R.JERINA
20. R.APPLE
21. R.RAVANAMMAL
22. K.PRATAP
23. R.RAVI
24. R.KUMAR
25. P.MANO HAR
26. M.RAVI
27. V.KOTTAMMA
28. EMJI
29. S.RAVANAMMAL
30. SUMITHA
31. M.PUSHPHA
32. NAGARAJ



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33. VEERAMMAL
34. S.VENKATESAN
35. VENKATSAN
36. LAKSHMI
37. N.JINDHALAL
38. V.VENGATESAN
39. R.SIRANJIVI
40. KALA
41. MEENAMBATHAN MANNURSINGH
42. V.LATHA
43. R.VELANGANNI
44. N.KAMALA
45. S.MANIVANNAN
46. MYTHILI
47. R.MEENA
48. M.SANTHI
49. S.RUBINI
50. S.TAIGAR
51. R.PREMU
52. KULLIKA
53. R.BAKKIYARAJ
54. KOTHAMM
55. KOLANUR
56. NAKKALA
57. K.BALAIYA

.. Respondents

(R10 TO R57 IMPEADED VIDE ORDER
DT. 02.09.2022 MADE IN WMP.22788/2022)

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the representation of the petitioner dated 26.04.2021 and take necessary and appropriate steps to remove the encroachments made in the river bunds of Araniyar and also prevent the public from letting the drainage and sewage water in to the river and thereby protect, safeguard and maintain the ecosystem and environment condition of the Araniyar.



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For the Petitioner : Mr.R.Munuswamy

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 6

: Mr.P.Srinivas
for respondent No.7

: Mr.R.Muniyapparaj
Addl. Public Prosecutor
for respondents 8 and 9

: Mr.M.D.Illayaraja
for respondents 10 to 57

ORDER

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

We have heard Mr.R.Munuswamy, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 6; Mr.P.Srinivas, learned counsel for respondent No.7; Mr.R.Muniapparaj, learned Additional Public Prosecutor for respondents 8 and 9; and, Mr.M.D.Illayaraj, learned counsel for respondents 10 to 57.



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2. The present writ petition has been filed to remove the encroachments made in the river bunds of Araniyar and also to prevent the public from letting the drainage and sewage water into the river.

3. The sixth respondent has filed the status report on behalf of respondents 4 and 5 stating that Form-I notices are already issued on 11.7.2022 and by following the due process of law, Form-II notices are also affixed on the notice board along with Form-I notices to the general public. Form-II notices have been published on 21.7.2022 and notices in Form-III are to be served to the encroachers as per the particulars furnished by the Tahsildar in Form-I notices. Form-III notices are under preparation and would be served individually by the Junior Engineer, WRD, Irrigation Section, Ponneri. After 21 days from serving of Form-III notices, the eviction would be carried on.

4. The communication received from the Tahsildar, Ponneri is also placed on record. In the said communication, it has been



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stated that there are 881 encroachments and the PWD authorities have initiated eviction process under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007. Necessary steps would be undertaken to remove the encroachments.

5. Learned counsel for the private respondents submits that all the private respondents are occupying the subject writ land on the basis of the instructions of the revenue officials since two decades. Learned counsel submits that if the respondent authorities are to evict the private respondents from the said land, they should allot alternate sites. Many representations are given in this regard.

6. The private respondents may prosecute the representations with the Government authorities in that regard as may be permissible under law.

7. As the statement is made that the eviction proceedings have been undertaken and Form-I and Form-II notices are already published and Form-III notices are under preparation, we hope and



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trust that the Government authorities would proceed in accordance with law for clearing the river bunds of Araniyar expeditiously.

8. With these observations, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

12.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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