



W.P.No.30684 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30684 of 2023

Kanakala Ananthalakshmi

.. Petitioner

Vs.

1. The Regional Administrator-
cum-Deputy Collector (Revenue)
Tanam, Puducherry – 533 464.

2. The Estate Officer
(Executive Engineer)
Public Work Department
Yanam, Puducherry – 533 464.

3. The Deputy Tahsildar (Revenue)
Yanam, Puducherry – 533 464.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records pertaining to the impugned notice vide Lr.No.490/PW/EE/DB/YNM/2022-2023 dated 30.06.2022 issued by the second respondent to the file of this Court.



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For the Petitioner : Mr.Arjun
for M/s.Rajendra Law Office LLP
For the Respondents : Mr.S.Ravee Kumar
Government Pleader (Puducherry)

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Arjun, learned counsel for M/s.Rajendra Law Office LLP.

for the petitioner and Mr.S.Ravee Kumar, learned Government Pleader
(Puducherry) for the respondents.

2. It is submitted that in similar matters in W.P.Nos.22700, 24616, 22753 and 22409 of 2023, we have passed the following orders:

“We have heard Ms.G.S.Saranya Bai, learned counsel for the petitioners and Mr.S.Ravee Kumar, learned Government Pleader (Puducherry) for the respondents.

2. The petitioners are challenging the impugned notice directing eviction on the ground that encroachment has been made on the Government site.



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3. *It is the contention of the learned counsel for the petitioners that patta has been issued in favour of the petitioners.*

4. *The learned Government Pleader for the Union Territory of Puducherry submits that the National Green Tribunal, Southern Zone, Chennai, under its order dated 27.09.2022 has issued directions and the Union Territory of Puducherry would be adhering to the directions.*

5. *The directions relevant in the present petitions are as under :*

“48. (b) The Union Territory of Puducherry Government is directed to take steps to relocate the persons to whom Pattas have been granted in this area in an alternate site by providing necessary financial assistance for shifting their residences to other areas including construction of houses, if any, required and evolve the scheme for that purpose at the earliest and add this area also in the water channel/ estuary portion



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and take steps to maintain the same and this exercise must be completed within a period of six (6) months from the date of receipt of this Judgment;

(e) The question as to whether any provisions will have to be made for the persons who are encroached depending upon their financial bank ground for relocation scheme is the matter to be considered by the Union Territory of Puducherry and we are not expressing any opinion on this aspect. But this will not stand in the way of the District administration in taking steps to remove such encroachments from the water channel/estuary. In respect of the road that has been constructed in the 'water channel/estuary' portion as mentioned by the district administration of Yanam-Union Territory of Pudhucherry, they must take steps to provide as many as box vents as possible to ensure free flow of water and if it is not feasible, then, they will have to take steps to provide elevated pathway over the water channel/estuary portion, so as to provide right a pathway, if any, required for the persons who are residing on either side of the water channel/ estuary.

(f) Both the district administration and the local bodies of Kakinada District (erstwhile East Godavari District) and Yanam-Union Territory of Puducherry



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Government are directed to implement the Solid Waste Management Rules, 2016, Liquid Waste Management within their jurisdiction to avoid dumping of waste and discharge of untreated sewage into the water channel/estuary so as to pollute the water in the water channel/estuary.”

6. The learned Government Pleader submits that alternate site has been identified by the Revenue Department, Yanam and alternate patta will be issued to the original assignee in the new location before they are evicted from the present site.

7. The aforesaid statement is in conformity with the order passed by the National Green Tribunal.”

3. Learned Government Pleader (Puducherry) submits that apart from the subject land, the petitioner has encroached upon 40 Sq.mtrs of the waterbody.

4. Encroachment without authority cannot be protected. The Authorities may take steps with regard to the encroached lands (that



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is, the lands other than the patta lands). With regard to the patta lands, the order reproduced above would operate.

5. In the light of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.30341 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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