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W.P.No.1624 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.1624 of 2018
and
WMP No. 6179 of 2018

G.Deva
The President,
Vadapalani Kulakarai Residential Public
Welfare Association,
Reg.No.56/2016, No.144, North Mada Street,
Vadapalani
Chennai - 600 026

.. Petitioner

Versus

1. The Chief Engineer,
(Water Resources) Public Works Department,
Chepauk, Chennai - 5.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
3. The District Collector,
Chennai District, Chennai.
4. The Tahsildar,
Koyambedu - Aminjikarai Taluk,
Chennai.



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5. The Tahsildar,
Egmore - Nungambakkam Taluk,
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey No.1/33, Vadapalani Kavangarai Canal branch.

For Petitioner : M/s.R.S.Maitreya
For R1, R3 to R5 : Mr.A.Selvendran
Special Government Pleader
For R2 : Mr. D.B.R. Prabhu

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

This writ petition has been filed by the petitioner seeking a direction to the respondents to remove the encroachment made in Survey No.1/33. Vadapalani Kavangarai Canal branch.

2. According to the petitioner, he is the President of the Vadapalani Kulakarai Residential Public Welfare Association. It is stated in the affidavit filed in support of the writ petition that Kavangari canal branch crosses 100 feet road in Vadapalani and it gets separated from the koyembedu Pul Canal and further goes through Vadapalani, Thirunagar, MMDA Colony and gets



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drained in Coovam river via Choolaimedu. The said canal is 30ft in breath and 4km in length. The Kavangari Canal was originally formed for the purpose of Virugambakkam drain development plan. During 1987, the Government acquired 2,345 sq.ft. of land in Thirunagar for formation of Virugambakkam drain but the project was not completed, hence, residential houses were built on the said acquired land. In view of such construction of houses on the river bed, during rainy season, water stagnation is witnessed all over Vadapalani area. In this context, the petitioner made a representation dated 18.11.2017 to the first respondent requesting to remove the said encroachment. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondents to dispose of the petitioner's representation dated 18.11.2017 within a time frame to be stipulated by this Court, for which, the learned Special Government Pleader appearing for the respondents 1, 3 to 5 has no serious objection.

4. Considering the limited nature of the relief sought herein, this court, without going into the merits of the case, directs the respondents 1 and 2



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to consider the petitioner's representation dated 18.11.2017, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as complained by the petitioner, the same shall be removed, after following due process of law.

5. With the aforesaid direction, this writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.]

[M.S.Q., J.]

01.02.2023

Index : Yes / No
Internet : Yes / No
av/rsh

To

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