



WP No.18142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

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- 1.N.Eswari
- 2.K.Elangovan
- 3.E.Marimuthu
- 4.T.Shadik Basha
- 5.S.Vasanthi
- 6.D.Govindasamy
- 7.S.Lakshmi
- 8.S.Kumar
- 9.A.Kumar
- 10.M.Janaki
- 11.J.Anjalai
- 12.P.Chandra
- 13.J.Jayakumar
- 14.K.Lakshmi
- 15.A.Lakshmi
- 16.D.Sivakumar
- 17.K.Veeramuthu
- 18.P.Ezhumalai
- 19.B.Rani
- 20.P.Vengatesan
- 21.M.Subburayan
- 22.V.Chitra
- 23.P.Sreeram Velu Goundaih
- 24.K.Ramadhass
- 25.T.Veerammal
- 26.M.Dheivamani
- 27.K.Bhanu
- 28.Venkatesan
- 29.S.Elumalai



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30.G.Selvi
31.M.Jegadeesan
32.S.Manikandan
33.M.Shanmugam
34.V.Kanniyammal
35.K.Ponnusamy
36.M.Krishnaveni
37.C.Vijaya
38.K.Malliga
39.R.Parvathi
40.P.Karthikeyan
41.R.Michael
42.S.Mala
43.B.Nasira Banu
44.S.Muniyammal
45.R.Balaraman
46.R.Manjunathan
47.N.Joyce
48.K.Valliyammal
49.S.Rani
50.R.Murugesan
51.A.Sathya
52.I.Selvathangam
53.K.Lakshmi Ravi
54.H.Sanayullah
55.M.Vaithi
56.K.Mani
57.A.Murugesan
58.C.Boopathi
59.S.Valarmathi
60.N.Kathiravan

... Petitioners

versus

1.The District Collector,
Chengalpet District

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 600 008

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3.The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Adyar Irrigation Work,
St.Thomas Mount, Chennai 16

4.The Revenue Divisional Officer,
Tambaram, Chennai 600045

5.The Tahsildar,
Pallavaram Taluk,
Chengalpet District

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to conduct the survey proceedings with respect to the land in survey nos. 178 and 181 situated at Anakaputhur Village, Pallavaram Taluk, Chengalpet District and the adjacent Adyar river by appointing conservator as per the Tamil Nadu Conservancy of Rivers Act, 1884.

For the Petitioner : Mr.B.Mohan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1, 3 to 5

Mr.R.Sivakumar,
for the second respondent

ORDER

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

We have heard Mr.B.Mohan, learned counsel for the petitioners, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1, 3 to 5 and Mr.R.Sivakumar, for the second respondent.



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2. The petitioners seek direction against the respondents to conduct survey proceedings with respect to land in survey Nos.178 and 181, situate at Anagaputhur Village, Pallavaram Taluk, Chengalpet District.

3. According to the learned counsel for the petitioners, no notice of survey was served upon the petitioners. The petitioners were also not provided with the survey report.

4. In fact, show cause notice has been issued to the petitioners on 05.02.2018. As they were found to be encroachers, notices were issued in terms of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. The allegation was that they have encroached upon a waterbody.

5. This Court, vide order dated 25.01.2023 in WP No.12767 of 2018, directed the respondents 1, 3 and 6 to conduct a precise survey with the help of land surveyor and if the survey report, on the basis of revenue records, shows that the petitioners have encroached the water body area falling in the survey numbers in question, after issuing notice to the persons concerned and after considering their reply can proceed further for doing the needful. The exercise was directed to be completed within a period of eight weeks.



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5. Mr.P.Muthukumar, learned State Government Pleader, that survey has been conducted pursuant to the said order.

6. The petitioner, if so aggrieved by the survey, may challenge the said survey before the Appellate Authority.

7. With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.17341 of 2023 is closed.

(S.V.G., CJ.)

04.07.2023

(P.D.A., J.)

Index : yes/no

Neutral Citation : Yes/No

tar

To:

1.The District Collector, Chengalpet District

2.The Member Secretary,
C.M.D.A.,Gandhi Irwin Road,
Egmore, Chennai 600 008

3.The Assistant Engineer,
P.W.D.,Water Resources Organisation,
Adyar Irrigation Work,
St.Thomas Mount, Chennai 16

4.The Revenue Divisional Officer,
Tambaram, Chennai 600045

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5.The Tahsildar,
Pallavaram Taluk,
Chengalpet District



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AND
P.D.AUDIKESAVALU, J.

(tar)

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