



W.P.No.21875 of 2021

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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.AUDIKESSAVU

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1. K.Jaganathan
2. R.Munusamy
3. G.Masilamani
4. A.Arumugam
5. S.Govindaraj
6. R.Pachai
7. Duraipillai

.. Petitioners

Vs.

1. The Chief Engineer
Public Works Department
Water Resources Organisation
Government of Tamil Nadu
Chepauk, Chennai – 05.
2. The Assistant Engineer
Water Resources Organisation
Public Works Department
Kancheepuram.
3. The District Collector
Kancheepuram District.



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4. State Industries Promotion Corporation
of Tamil Nadu Limited (SIPCOT)
Rep. by its Managing Director
19 A, Rukmani Lakshmipathy Salai
Egmore, Chennai.
 5. The Irungattukottai SIPCOT Industries Estate
Rep. by its Estate Officer
SIPCOT Industrial Estate
Sriperumbudur.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 3 to remove encroachment from the lake comprised in S.No.573, Katrampakkam Village, Sriperumbudur Taluk, Kancheepuram District and restore the lake to its previous pristine state.

For the Petitioners : Mr.A.Yogeshwaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 to R3

Mrs.Sudharsana Sundar
for R4 & R5



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Yogeshwaran, learned counsel for the petitioners, Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 3 and Mrs.Sudharsana Sundar, learned counsel for respondents 4 & 5.

2. The present petition is filed as a public interest litigation with a prayer to remove the encroachment on the lake and restore the lake to its original condition.

3. Learned counsel for the petitioners submitted that the area of the lake in question in S.No.573, Katrampakkam Village, Sriperambudur Taluk is 51.94 Hectares. Today, the area of the lake is only 44 Hectares. Encroachments are made and the Government is required to restore the lake to its original area.

4. Learned State Government Pleader has placed on record the



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status report filed by the second respondent, wherein, it is stated that the fourth respondent has encroached to the extent of 1923 Sq.mts. and action would be taken to remove the same in accordance with law.

5. Learned counsel for the fourth respondent submits that the fourth respondent has not encroached the land, but has leased some part of the land and if there is any encroachment, the fourth respondent can not be responsible for it. However, the fourth respondent has no objection for removal of the encroachment on the lake.

6. It is the responsibility of the State Authorities to maintain the water bodies. The area of the water bodies also could not be tinkered with. It is in the status report that the present encroachment in the water body i.e., in S.No.573 is to the extent of 1923 Sq.mts. and the same would be removed immediately. It is further stated that the area in S.No.573 to the total extent of 517477 Sq.mts. is free from encroachment, other than the part encroached by the fourth



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respondent to the extent of 1923 Sq.mts. Assurance has been given to remove the encroachment.

7. The extent of the water body in S.No.573 does not appear to be a disputed one. The Government shall keep a strict vigil and would see to it that the total area of the water body in S.No.573 to the extent of 51.94 Hectares (519400 Sq.mts) is free from encroachment and it is maintained as a water body.

8. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.23066 & 23067 of 2021 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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