



W.P.No.29598 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29598 of 2022

R.Raja

.. Petitioner

VS

1.The District Collector,
Chengalpet.

2.The Executive Engineer,
Water Resource Department,
Kilpalar Vadinila Thottam,
Collectorate Campus,
Kanchipuram.

3.The Regional Divisional Officer,
Chengalpet.

4.The Tashildhar,
Chengalpet.

5.The Administrators,
Hazaradht Syed Abudur Raheman Kilji Avuliya
@ Loorsha Durgha,
Maduvankarai, Chengalpet Bye pass,
Chengalpet.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 1.8.2022 to remove the encroachment over the waterbody as referred in petitioner representation.

For the Petitioner : No appearance

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 4

: Mr.W.M.Abdul Majeed
for respondent No.5

ORDER

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

None appears for the petitioner when the matter is called out.
Heard Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 4 and Mr.W.M.Abdul Majeed, learned counsel for the fifth respondent.



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2. Learned State Government Pleader has placed on record the status report and submits that the encroachment on the waterbody has been removed. The podium is constructed by the fifth respondent by encroaching the water course land comprised in Town Survey No.1222/2, Block No.18, Ward-4 of Chengalpattu Town. Form-I and Form-II notices, as envisaged under the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007, were prepared and sent to the second respondent on 23.11.2022 for pursuing further action. Subsequently, the Assistant Engineer, Irrigation Section, Chengalpattu, has also issued Form-III notice dated 1.12.2022 to the fifth respondent. On 18.1.2023, the Assistant Engineer, Irrigation Section, Chengalpattu, has directed the fourth respondent to remove the encroachment within seven days from the date of receipt of the notice. On 14.9.2023, four pillars, that were erected, were removed in the presence of the Assistant Engineer, Irrigation Section. The cemetery only remains now.



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3. Steps shall be taken by the Government authorities to ensure that the flow of water is not obstructed. The State authorities and respondent No.5 shall also ensure that there would not be any further structure – neither permanent nor temporary, whatsoever on the said land and also the steps to reduce the width of the cemetery as far as possible may be undertaken. The meeting of the Peace Committee may be resorted to by the authorities.

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

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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