



W.P.No.4304 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4304 of 2022

K.Vijayan

.. Petitioner

VS

- 1.The District Collector,
Tiruvallur District,
Tiruvallur – 602 001.
- 2.The District Revenue Officer,
Tiruvallur District,
Tiruvallur.
- 3.The Assistant Director,
Office of Town and Country Planning,
No.43/397 A, 2nd Floor,
Rajajipuram Area – II,
Tiruvallur – 602 001.
- 4.The Executive Engineer,
Public Works Department (PWD),
PWD Campus, J.N. Road, Near Govt. Hospital,
Tiruvallur – 602 001.
- 5.The Revenue Divisional Officer,
Ponneri Division, Tiruvallur District.



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6.The Tahsildar,
Ponneri Taluk,
Ponneri – 601 204,
Tiruvallur District.

7.The Block Development Officer,
Minjur Panchayat Union,
Minjur-601 203,
Thiruvallur District.

8.The President,
Thadaperumbakkam Village Panchayat,
Ponneri Taluk,
Tiruvallur District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 7th and 8th respondents to take necessary legal action to remove the encroachment in the Odai Poramboke i.e. (Odai) water canal situated at Survey No.127 having total extent of Hectare 01 Ares 0.50 (that is acre 3.705 cents) located south-west to the Ponneri Thiruvottriyur High Road, from opposite to L.N.Government College to Kokkumedu Village No.58, Thadaperumbakkam Village, Ponneri Taluk, Tiruvallur District and restore the same to its fullest capacity and preseve the same.

For the Petitioner : Mr.R.Prasadh

For the Respondents : Mr.P.Harish
Government Advocate
for respondents 1 to 8



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ORDER

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

We have heard Mr.R.Prasadh, learned counsel for the petitioner;
and, Mr.P.Harish, learned Government Advocate for the respondents.

2. Learned Government Advocate submits that Form-I notice has been issued three days back and further steps for removal of the encroachment from the waterbody/canal would be undertaken expeditiously.

3. This Court, on 2.3.2022, had recorded the statement of learned Additional Advocate-General that action has already been initiated for the betterment of the canal and to restore it to its original position. This Court, in the said order, observed that the respondent should have taken action to remove the encroachment. In any case, it should be removed now and if any one creates hindrance, the Superintendent of Police of the District concerned is directed to provide adequate police force.



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4. It appears that there is laxity on the part of the Government authorities in taking action. It is only three days before that Form-I notice has been issued. The authorities shall proceed with the measures to remove the encroachment from the subject writ canal expeditiously and if need be by taking the aid of the law enforcement machinery in accordance with law and in a time bound manner.

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

(S.V.G., CJ.)

(D.B.C., J.)

20.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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- 4.The Executive Engineer,
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