



WEB COPY

W.P.No.4612 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.4612 of 2020

and

W.M.P.Nos.5471 to 5473 of 2020

Mr.E.S.Thangappa

... Petitioner

Vs.

1. The District Collector,
Chennai District,
Singaravelar maligai,
Chennai – 600 001.
2. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai – 600 058.
3. The Section Officer,
Public Works Department,
Water Resources Organization,
Redhills, Irrigation Section,
Chennai – 600 052.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records of the 3rd respondent in pursuance of the Impugned Notice No. –/B.Aa/2020 dated



27.01.2020 and quash the same.

For Petitioner : Mr.C.Sundaraj
For Respondents : Mr.A.Selvendran,
Special Government Pleader

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ petition has been filed for calling for the entire records of the 3rd respondent in pursuance of the Impugned Notice dated 27.01.2020 and quash the same.

2. Direction, as such sought for in the nature of injunction cannot be considered in writ proceedings, in the absence of an adjudication or passing an order on merits by the competent authority.

3. The learned counsel for the petitioner would submit that there are no encroachments in the water body. The petitioner is in possession of relevant documents to establish their title or ownership. Thus, the action proposed to be initiated by the authorities are to be injected.



4. Writ petition instituted based on apprehension is not entertainable.

Admittedly, no notice under the relevant provisions of the Act has been issued. Encroachments are to be removed by following the procedures as contemplated under the provisions of the Tamil Nadu Land Encroachment Act, 1905 or the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 or under the relevant local bodies Act.

5. The learned Special Government Pleader appearing on behalf of the respondents made a submission that notices have already been issued to the encroachers.

6. That being the factum, the petitioner is at liberty to submit his objections along with the documents to establish their case within a period of ten (10) days. The respondents are directed to conduct a thorough enquiry with reference to the encroachments in water body with reference to the documents and revenue records and take a final decision. If encroachments are identified in the water body, there cannot be any further leniency and all such encroachments in the water body are to be removed. The entire exercise is directed to be completed within a period of twelve (12) weeks from the



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date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of.

Consequently, connected Miscellaneous Petitions are closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
20.03.2024

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skr
Index : Yes
Speaking order

To

1. The District Collector,
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Chennai – 600 001.
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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