



W.P No.7600 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P No.7600 of 2024
and W.M.P.No.8520 of 2024

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

.. Petitioners

-vs-

1.The Chief Engineer
Public Works Department
Water Resources Organisation
Government of Tamilnadu
Chepauk, Chennai - 05.

2.The Assistant Engineer
Water Resources Organisation
Public Works Department
Kancheepuram.

3.The District Collector
Kancheepuram District



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Collectorate.

WEB COPY

4.State Industries Promotion Corporation
of Tamil Nadu Limited (SIPCOT)
Rep.by its Managing Director
19A, Rukmani Lakshmipathy Salai
Egmore, Chennai.

5.The Irungattukottai SIPCOT Industrial Estate
Rep.by its Estate Officer, SIPCOT Industrial
Estate, Sriperumbudur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to forthwith remove / demolish the encroachments in Survey Nos.580, 598, 599, 600 and their subdivisions, classified as "EriUlvai" located adjacent to the Katrampakkam lake in Survey No.573, Katrampakkam Village, Sriperumbudur Taluk, Kanchipuram District and restore the water body to its previous pristine state.

For the Petitioner	:	Mr.A.Yogeshwaran
For the Respondents	:	Mr.A.Edwin Prabakar State Government Pleader assisted by Mr.K.Karthik Jagannath Government Advocate - for R1 - R3 Mr.Abhishek Murthy Standing Counsel -for R4 and R5

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Yogeshwaran, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader

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assisted by Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1 to 3, and Mr.Abhishek Murthy, learned Standing Counsel for respondents 4 and 5.

2. The petitioner alleges encroachment on S.Nos.580, 598, 599, 600 and their subdivisions, classified as "EriUlvai" located adjacent to the Katrampakkam lake in Survey No.573, Katrampakkam Village, Sriperumbudur Taluk, Kanchipuram District.

3. According to the learned Standing Counsel for the respondents 4 and 5, the SIPCOT has not made any encroachment and no construction activity has been carried out on these lands .

4. It is made clear that no activity of whatsoever nature shall be carried on the water body. The classification of water body can never be changed. The same has also been considered and observed by the Full Bench of this Court in **T.K.Shanmugam -vs- State of Tamil Nadu [2015 (5) L.W.397]**.

5. Learned State Government Pleader has given an undertaking that survey would be conducted within a period of four months and if upon



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survey encroachment is observed, then steps shall be taken to remove the encroachment immediately in accordance with law.

6. In light of the above, there shall be a direction to the Government officials to conduct a survey on the subject lands preferably within a period of four months from today and depending upon the survey report, further steps shall be taken in accordance with law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. W.M.P.No.8520 of 2024 filed to permit the petitioners to file a single writ petition is allowed and disposed of, inasmuch as the petitioners have paid separate court fee.

(S.V.G., CJ.)

(J.S.N.P., J.)

22.04.2024

Index : Yes/No
Neutral Citation : Yes/No
kst



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