



WEB COPY

W.P.No.19066 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.19066 of 2020

D.Thangamani

... Petitioner

Vs.

1. The District Collector,
Vellore District, Vellore.
2. The Revenue Divisional Officer,
Vellore, Vellore District.
3. The Tahsildar,
Taluk Office, Anaicut,
Vellore.
4. The Block Development Officer,
Anaicut Panchayat Union,
Anaicut, Vellore District.
5. Venkatesan
6. Gandhi
7. Govindaraj
8. Durairaj
9. Venda
10. Arumugam



11. Elakkiya

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 4th respondents to remove the encroachments encroached by the 5th to 11th respondents with respect of the land situated at 'Odai Porombokku' and 'Meichal Porombokku' Appukkal Village, Anaicut via., Vellore Taluk and District.

For Petitioner	: Mr.D.Rajagopal
For R1 to R4	: Mr.A.Selvendran, Special Government Pleader
For R5 to R9	: Mr.T.Subramaniam
For R10 & R11	: Mr.A.K.R.Ravi

ORDER

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

The Writ Petition has been filed for directing the 1st to 4th respondents to remove the encroachments encroached by the 5th to 11th respondents with respect of the land situated at 'Odai Poromboke' and 'Meichal Poromboke' Appukkal Village, Anaicut via., Vellore Taluk and District.

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.

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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.



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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 date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of. No costs.

(S.M.S.,J.) (K.R.S.,J.)
21.03.2024

skr

Index : Yes

Speaking order

To

1. The District Collector, Vellore District, Vellore.



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4. The Block Development Officer,
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