



WEB COPY



WP.No.19311/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.19311/2024

M.R.Saravanan

... Petitioner

Vs.

1.Office of the Assistant Executiv
Engineer, Chepauk, Railway St.,
Public Works Department Estate,
Chepauk, Triplicane, Chennai 600 005.

2.The District Collector
Collector Office
Kallakurichi 606 213.

3.The Tahsildar
Tahsildar Office
Mayiladuthurai 606 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd and 3rd respondents to take necessary action on the representation dated 18.05.2023 and retrieve the



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very big water body lake to the extent of approximately 155 acres in Survey No.138 and 139 Ulundurpet Assembly Constituency in Kallakurichi District from anti social elements within a time frame and save the livelihood of people in the village.

For Petitioner : Mr.S.Vijay
For Respondents : Mr.K.Karthik Jagannath, GA

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present writ petition has been filed seeking for issuance of a writ of mandamus directing the 2nd and 3rd respondents to take necessary action on the representation dated 18.05.2023 and retrieve the very big water body lake to the extent of approximately 155 acres in Survey No.138 and 139 Ulundurpet within a time frame.
- (2)Mr.K.Karthik Jagannath, learned Government Advocate accepts notice on behalf of the respondents.
- (3)Having regard to the specific averments in the affidavit filed in support of the writ petition that there are considerable encroachments in the water body, this Court is convinced that the encroachment in the water body should not be permitted. The respondents cannot regularise such



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encroachment in water body as they are duty bound to preserve the same in public interest.

(4) The learned Government Advocate appearing for the respondents submits that encroachers have submitted a representation earlier for regularising their encroachment. It is further stated that the said representation is also under consideration.

(5) This Court vide common order dated 30.04.2024 in ***WP.Nos.13419 and 13437/2017 [M/s.Global Waste Recyclers Ltd rep.by its Managing Director Vs The Government of Tamil Nadu rep.by its Secretary, Housing and Urban Development Department, Secretariat, Chennai and Others]***, following the judgments of Hon'ble Supreme Court, has given positive direction to the Government and Law Enforcing Agencies, not to permit encroachment in the water body.

(6) In such circumstances, the respondents are directed to take appropriate action, if necessary, by engaging sufficient force to see that the entire water body is restored after removal of encroachment. It is needless to say that the respondents, before taking coercive action, is directed to follow the procedure prescribed either under the Tamil Nadu Protection of



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Tanks and Removal of Encroachment Act, 1987, or under the Tamil Nadu Land Encroachment Act, 1907, as may be applicable. The entire exercise shall be commenced after a survey is conducted in the presence of encroachers by revenue officials fixing the boundary and the water body as required in the provisions of Tamil Nadu Protection of Tanks and Removal of Encroachment Act, 1987. After identifying the encroachment and the encroachers, steps have to be taken thereafter and the entire exercise shall be completed within a period of twelve weeks from the date of completion of survey.

(7)The writ petition stands **disposed of** with the above direction. No costs.

[S.S.S.R., J.] [N.S., J.]
19.07.2024

AP

Internet : Yes



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