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W.P.No.13468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.13468 of 2024

P.N.Rajkumar
S/o.P.C.Natarajan

.. Petitioner

Vs.

1. The Secretary to Government
Department of Revenue
Fort St.George,
Chennai-600 009.
2. The District Collector
Chengalpattu District
Chengalpattu - 603 001.
3. The Revenue Divisional Officer
Chengalpattu Division
Chengalpattu - 603 001.
4. The Tahsildar
Thirukkazhukundram Taluk
Chengalpattu District.
5. The Executive Officer
Mamallapuram Town Panchayat
Mamallapuram - 603 104.
6. Kings International Medical Academy



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Rep. by its Chief Executive Officer
No.122, East Coast Road, Poonjeri
Mamallapuram - 603 104. .. Respondents

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Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the second respondent to remove encroachment on water body (pond) comprised in Survey No.65 of Poonjeri Village, Thirukkazhukundram Taluk, Chengalpattu District based on petitioner's representation dated 09.05.2022.

For Petitioner : Mr.S.Angamuthu
For Respondents : Mr.T.K.Saravanan
Government Advocate
For R1 to R4
Mr.VPR.Elamparithi, for R5
Mr.T.Ananthasekar, for R6

ORDER

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

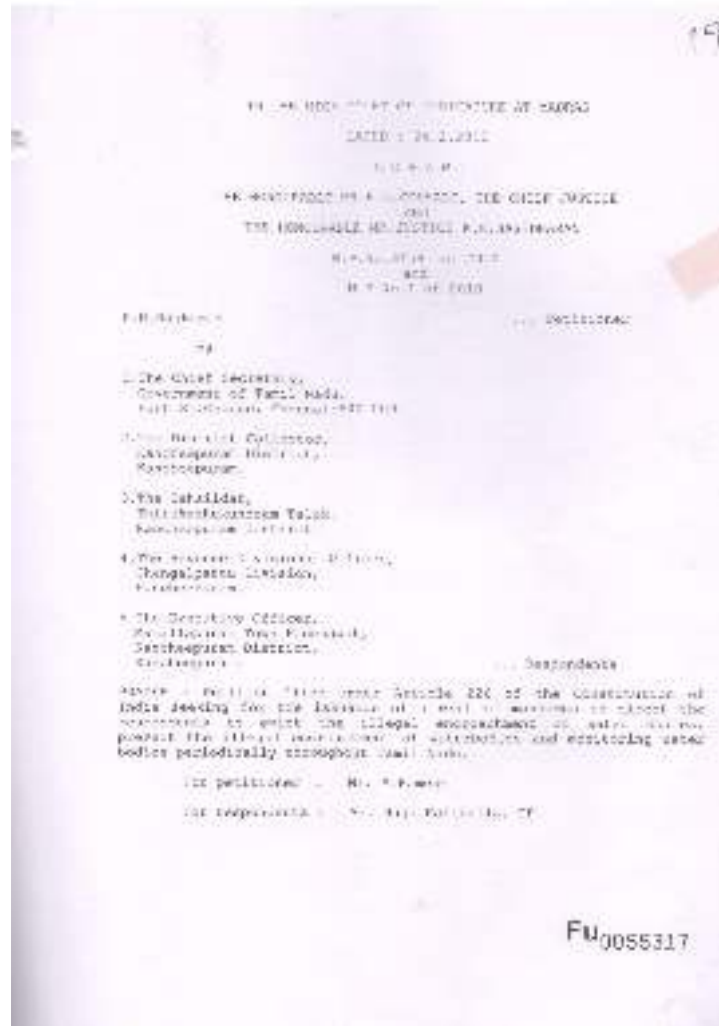
Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to 'S.No.65 admeasuring 1.13 acres or thereabouts in Poonjeri Village, Thirukazhukundram Taluk, Chengalpattu District' {hereinafter 'said land' for the sake of brevity}.

2. Mr.S.Angamuthu, learned counsel for writ petitioner submits that said land is actually a water body, pond and that R6 has encroached upon the said land. Learned counsel for writ petitioner submits that there was an encroachment earlier by another entity, a writ petition in



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W.P.No.3459 of 2010 was filed and the same was disposed of on 24.02.2010 recording the stated position of R1 that the encroachment will be removed. To be noted, order dated 24.02.2010 made in W.P.No.3459 of 2010 made by another Hon'ble Division Bench is as follows:





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O R D E R

**ORDER OF THE COURT WAS MADE BY THE HONOURABLE
THE CHIEF JUSTICE**

Before Mr.A.Sarathy, learned counsel in support of this petition. Mr.Najia Khalifa, learned Government Pleader appears for the respondents.

2. The petitioner is a person hailing from Pongeri Village of Marudalapuram Town Panchayat in Kancheepuram District. The petitioner is making a grievance that one Royal College of Engineering and Technology has grabbed land and encroached upon a water body in Survey No.55, measuring an extent of 1 acre and 13 cents. The petitioner's Advocate wrote to the Executive Engineer of the Town Panchayat on 14th November 2009. The District Collector has looked into that complaint and has asked the Tahsildar to make a report. This letter of the Collector, dated 18th December 2009 is annexed to the typed set of papers.

3. We expect the Collector to take action at the earliest, if there is any such encroachment, in accordance with law, which action of course must be taken after calling the petitioner and the representatives of Royal College of Engineering and Technology. We expect the action to be taken within four weeks from the date of receipt of the report from the Tahsildar.

4. The writ petition stands disposed of accordingly. Consequently, the connected miscellaneous petition is closed. There will be no order as to costs.

Sd/-
Asst. Registrar

//true copy//

San Asst.Registrar

is

to

J. V. Sankar
Superintendent,
Censor Department

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

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3. Issue notice to respondents.



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4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for respondents 1 to 4. Mr.VPR.Elamparithi, learned counsel accepts notice for R5. Mr.T.Ananthasekar, learned counsel accepts notice for R6.

5. Considering the limited legal perimeter within which the captioned WPs should now perambulate, with the consent of both sides, main WP was taken up.

6. Learned State counsel submits, on instructions, that pursuant to the order dated 24.02.2010 in earlier writ petition, encroachment made by another entity had been removed but said land has been transferred by said entity to R6. Learned State counsel also submitted that 'representation dated 09.05.2022' {hereinafter 'said representation' for the sake of brevity} made by writ petitioner has been sent by R2 to R4 for consideration. To be noted, said representation is as follows:



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From

P.N.RAJKUMAR, Advocate,
S/o. P.C.Natarajan,
No.36, School Street,
Poonjeri Village,
Mamallapuram Town Panchayat,
Thirukkazhukundram Taluk,
Chengalpattu District-603104.

To

1. The Chief Secretary to Government,
State of Tamilnadu,
Fort St. George, Chennai-600009.
2. The District Collector,
Chengalpattu District,
Chengalpattu-603001.
3. The Revenue Divisional Officer,
Chengalpattu Division,
Chengalpattu-603001.
4. The Tahsildar,
Thirukkazhukundram Taluk,
Thirukkazhukundram.
5. The Executive Officer,
Mamallapuram Town Panchayat,
Mamallapuram-603104.

Sir,

Sub.: Seeking for removal of encroachment on water
body measuring to an extent of 1 acre and 13 cents
comprised in Survey No.65 of Poonjeri Village,
Thirukkazhukundram Taluk, Chengalpattu District.

Ref.: Order in W.P.No.3459 of 2010 and M.P.No.1 of 2010

I am the permanent resident of above mentioned address and
practicing law in Madras High Court. The Pond measuring to an extent of
1 acre and 13 cents comprised in Survey No.65 of Poonjeri Village,



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Thirukkazhukundram Taluk, Chengalpattu District was encroached by Royal College of Engineering and Technology in the year. The W.P.No.3459 of 2010, on the file of Hon'ble High Court Madras seeking for direction for removal of the encroachment was ordered on 24-02-2010 with direction to the District Collector to take appropriate action after inspection in the presence of the petitioner and Representatives of the College.

The encroachment was removed based on the order of the District Collector and restored as water body. The Royal College of Engineering and Technology was purchased by Kings International Medical Academy. The Kings International Medical Academy encroached the water body measuring to an extent of 1 acre and 13 cents comprised Survey No.65 by putting construction to the value of Rs.4 Crores. The above act is against the order of Hon'ble Madras High Court passed in W.P.No.3459 of 2010 and 22163 of 2018.

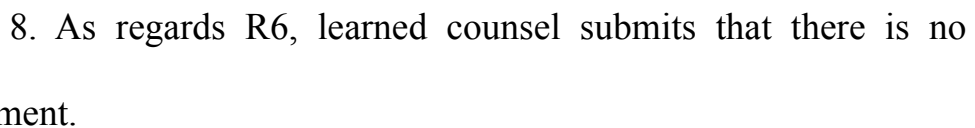
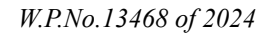
Therefore requested to remove encroachment and restore the water body as exists before encroachment.

Enclosure: Copy of order in W.P.No.3459 of 2010

Date: 09-05-2022
Place : Poonjeri

By
(xxx s/d. P.N.Rajkumar)

7. The communication from R2 to R4 sending said representation to R4 is as follows:



9. In the light of the factual disputation, though R2 has sent said
petitioner to R4, we deem it appropriate to direct



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R2 to consider said representation and pass orders after show causing R6 and obtaining response from R6. In this drill before R2, order shall be made on the merits of the response of R6 on being show caused and in accordance with law. We also make it clear that if R2 comes to a conclusion that there is any encroachment, proceedings in accordance with law under the applicable Statute shall be commenced and concluded as expeditiously as the business of official respondents and authorities concerned would permit but in any event within a period of eight weeks from today i.e., by 06.09.2024.

Captioned WP disposed of in the aforementioned manner with the above simple directives. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
12.07.2024

Index: Yes
Neutral Citation: Yes
Speaking order

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M.SUNDAR.J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

mk

To

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Department of Revenue
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Chennai-600 009.
2. The District Collector
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Chengalpattu - 603 001.
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