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WP.No.12768 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.12768 of 2024

and

W.M.P.Nos.13940 to 13942 of 2024

in

W.P.No.12768 of 2024

Dr.P.N.Vinoth

... petitioner

Vs.

1. The State of Tamil Nadu
Rep. By its Principal Secretary
The Department of Municipal
Administration and Water Supply
Fort St.George, Chennai - 09
2. The State of Tamil Nadu
Rep. By its Secretary to Government
Public Works Department
Fort St.George, Secretariat
Chennai – 600 009
3. The State of Tamil Nadu
Rep. By its Secretary to Government

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Department of Revenue
Fort St.George
Chennai – 600 009

4. The State of Tamil Nadu
Rep. By its Secretary to Government
Public Works Department (WRD), Chennai
Fort St. George, Chennai – 600 009
5. The State of Tamil Nadu
Rep. By its Commissioner or Land Administration
Ezhilagam, Chepuk
Chennai – 600 005
6. The State of Tamil Nadu
Rep. By its Collector, Kancheepuram
Kancheepuram Collector Office Campus
First Floor, Collectorate
Kancheepuram District – 631 501
7. The State of Tamil Nadu
Rep. By its Member Secretary
Chennai Metropolitan Development Authority (CMDA)
“Thalamuthu-Natarajan Maaligai”
No.1, Gandhi Irwin Road
Egmore, Chennai – 600 008
8. The State of Tamil Nadu
Rep. By its Director / Commissioner
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor
C & E Market Road
Koyambedu, Chennai – 600 107
9. District Revenue Officer
Collectorate Campus



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Vandavasi Salai
Kanchipuram – 631 501

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10. The Tahsildar
Alandur Taluk
1st Main Road, Macmillan Colony
Nanganallur, Alandur
Chennai – 600 061

11. The Managing Director & Chairman
Nova Life Space Private Ltd.,
309, Bay City Centre, 2nd Floor
P.H.Road, Kilpauk
Chennai – 600 010

12. The District Collector
Collectorate Office
Singaravellar Malligai
Chennai – 600 001

... Respondents

[R12 suo motu impleaded vide this order]

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent namely State of Tamil Nadu and the Principal Secretary, Second respondent, the Public Works Department, third respondent Secretary to Revenue Department, the fourth respondent Secretary to Water Resources Department and the fifth respondent the Commissioner of Land Administration for demarcation of existed water Channels and Canals without re-routing the same on the patta land thereby pave the way for natural course of free flow of storm water drain into Adyar River by removing the encroachments made in the water



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body and water courses in Village Number 78, Manapakkam, Alandur Taluk, Kancheepuram District consequently direct all the respondents to consider the notices, dated representation dated 05.11.2023 and 05.02.2024 and 04.04.2024.

For Petitioner : Mr.V.Rajasekar
For Respondents : Mr.A.Selvendran
Special Government Pleader
Assisted by
Mr.T.K.Saravanan
Government Advocate
for R1 to R10 and R12

ORDER

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

Captioned writ petition has been filed in this Court on 10.04.2024 with a mandamus prayer qua demarcation of water channels and canals that existed (existed according to the writ petitioner) without re-routing the same on patta land.

2. The writ petitioner has sent representations and in the hearing, learned counsel abridged the prayer to the effect that a direction to dispose



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of the representation dated 04.04.2024 will address the issue for the present.

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3. Issue notice to Official Respondents (R1 to R10). Mr.A.Selvendran, learned Special Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R10. To be noted, R11 is a private respondent and is alleged to be dumping waste material and causing damage to the Channels and Canals.

4. Owing to the abridged prayer, the perimeter of the captioned writ petition has shrunk and therefore, with the consent of both sides, main writ petition was taken up. As regards R11, we will be putting a safety valve in place and it will be set out infra.

5.As regards the prayer for consideration of representation dated 04.04.2024, we deem it appropriate to scan and reproduce the representation as placed before us and the same is as follows:



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5. The State of Tamil Nadu
The Principal Secretary to Government
Environment and Forest Department,
Fort St. George,
Chennai - 500 009
6. **The Chief Environmental Engineer**
The Tamil Nadu Prevention and Control of Water
Pollution Board
Tamil Nadu Pollution Control Board,
No.76, Mount Salsi, Guindy,
Chennai-500032
7. The State of Tamil Nadu
Rep. by its **Principal Secretary**
The Department of Municipal
Administration and Water Supply
Fort St George, Chennai - 05
8. **En.C.T.Sankar, BE,**
The Director/ Chief Engineer
(State Ground and National Water Mission,
Surface Water Resources Data Centre)
MoWR & GR,
W.R.D., PWD 2nd Floor, Block III,
Tharamani, Chennai-500 113
9. **The Collector,**
Kancheepuram Collector Office campus
First Floor, Collectorate,
Kancheepuram District - 601501

சென்னை மாநகராட்சி, தலைநகர்

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10. **The Member Secretary**
Chennai Metropolitan Development Authority,
(CMDA), 'Thiraimulhu' (Natarajan Masilgai),
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 006
11. **The Principal Chief Conservator of Forests**
Ponnaiyal Masilgai
Saidapet,
Chennai 600 015
12. **The Commissioner of Land Administration,**
Ezhilagam, Chepak,
Chennai-600 05
13. **The Director / Commissioner**
Directorate of Town and Country Planning
2nd, 3rd & 4th Floor,
C & E Market Road,
Koyambedu
Chennai - 600 107
14. **The Superintending Engineer**
PWD, WRO
Palar Basin Circle,
Chennai-5
15. **The Assistant Engineer,**
Public Works Department,
Water Resource Organisation,
Adyar Irrigation Division,
St. Thomas Mount, Chennai-600 016
16. **District Revenue Officer**
Collectorate Campus
Vandavasi Salai,
Kannuripurem - 601 501

சென்னை மெட்ரோபிலிட்டரி அபிவிருத்தி ஆணையர், சி.டி.எம்.டி.ஏ.
(சி.டி.எம்.டி.ஏ), 'திருமலு' (நாராயண மசிலை),
நா.1, காந்தி இரவின் ரோடு,
எகமோர், சென்னை - 600 006

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எகமோர், சென்னை - 600 006



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17. **Revenue Divisional Officer**
Anna Salai, (Near The Tamil Nadu Dr MGR
Medical University)
Guindy, Chennai - 600 032
18. **The Tahsildar**
Alandur Taluk
1st Main Rd, Macmillan Colony
Manganellur, Alandur,
Chennai 600061
19. **The Revenue Inspector**
No.14, Old Dairy Farm Road
Alandur, Chennai 600 016
20. **The Village Administrative Officer**
2/580, Manapsakkam Main Rd,
Ambedkar Nagar,
Periya Palayattamminagar,
Manapsakkam,
Chennai 600125
21. **Nova Life space Private Ltd**
309, Bay City Centre, 2nd Flr
P.H. Road, Kilpauk
Chennai - 600 010

சென்னை மாவட்டம், அலாண்டூர் தாலுக்கா
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Sub: Encroachment and devastation of existing Sewage Water Canal and
water course thereby altering water body by filling sand by Real
Estate Developer- rog

Ref: My Legal notice dated 05.11.2023 & 05.02.2024

Dear Sir/Madam,

With reference to the above on the subject cited, I am to bring to your
urgent attention not to commence the construction of Rain Water Drain
Canal inside my Patta Land thereby utilise existing water ways and water
courses that is available for water flow through water canal which is



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5. It is a clear case that few greedy people are infringing the rights of the citizen at large. The authorities instead of mandatorily minimising the infringement and damage caused, but for pecuniary, are encouraging such public menace where the nodal officers of government failed to protect the social justice, equality of rights of citizens at large.

6. The District Collector, is envisaged with the duty to conduct an enquiry on various illegalities and irregularities regarding all such encroachment issues and in the event of negligence, collusion, misconduct or dereliction of duty on the part of the Government Officials.

In the light of the facts and circumstances stated, I most humbly request you to Intervene the subject matter thereby:

- A. Halt the on-going construction work immediately where the water course is usurped but for private benefit and gain in the guise of patta land.
- B. Conduct a thorough investigation into the encroachment and trespass on the pre-existing waterways, ensuring the removal of all encroachments
- C. Preserve the natural water course and canal for the free flow of rain/floodwater
- D. Expedite the construction of water flow canal which was kept in abeyance owing to political influence and affiliation
- E. Immediate construction of effluent treatment plant for the sewage water not to mix up with the Adaya River

Chal 1808266882 <Dear Masks, Stay Safe>



ETX0P9P221IN TH069942395
SP CHENNAI HIGH COURT (600046)
Counter No:1,07/04/2024,21:42
To:THE SUPERINTD, PND -WB
PIN:600005, Tirunelveli S.O
From:DR P H VINOTH, SALEM
Wt:24pgs, P00-10.0
Aut:25.50/Cash/Tan:4.50
<Track on www.indianpost.gov.in>

Chal 1808266882 <Dear Masks, Stay Safe>
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SP CHENNAI HIGH COURT (600046)
Counter No:1,07/04/2024,21:42
To:THE SUPERINTD, PND -WB
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I send this representation as a final opportunity for the concerned
authorities to rectify the situation promptly.

Failure to act within a reasonable period will compel us to file a petition
before the Jurisdictional Court seeking appropriate legal remedies,
including compensation for damages incurred.

I trust that you will treat this matter with the urgency and seriousness it
deserves. Your cooperation in resolving this issue is highly anticipated

Thanking you

Yours Sincerely

P. N. Vinoth
(DR P N VINOTH)

Cell No : 9841290077

Dist: 1800268888 - Clear Marks, Stay Safe!
Digitally signed by
DR P N VINOTH
DN: cn=DR P N VINOTH, o=INDIAPOST, email=drpnvinoth@india.gov.in, c=IN
Date: 2024.07.04 14:00:00
Check on www.india.gov.in

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Date: 2024.07.04 14:00:00
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6. Learned State counsel submits that Collector of Chennai will be the appropriate authority (considering the location). Therefore, we *suo motu* implead District Collector, Collectorate Office, Singaravellar Malligai, Chennai- 600 001 as R12. Registry to make necessary and consequential amendments in the case file and ensure that the same is reflected in this order before it is uploaded and/or before certified copies are issued.

7. We dispose of the writ petition with a simple directive to R12 to consider and pass orders on aforementioned 04.04.2024 representation on its own merits and in accordance with law albeit after putting R12 on notice and giving reasonable opportunity to R11. We make it clear that when we say 'reasonable opportunity', it shall not be construed as personal hearing and as to whether there should be personal hearing will be at the discretion of R12.

8. If there is a personal hearing, both sides will be accorded opportunity i.e., writ petitioner and R11.

9. We direct R12 to complete the aforementioned exercise as expeditiously as the official business of R12 would permit but in any event within eight weeks from today i.e., by 02.08.2024. Copy of the



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proceedings/orders disposing of the aforementioned representation shall be served by the Office of R12 to the writ petitioner as well as R11 under due acknowledgment within seven (7) working days from the date of disposal.

Captioned main writ petition disposed of in the aforesaid manner with aforementioned simple directive. Consequently, captioned three WMPs are disposed of as closed. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter as the representation would be considered on its own merits and in accordance with law by R12. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

07.06.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

To

1. The Principal Secretary
The Department of Municipal
Administration and Water Supply
Fort St.George, Chennai - 09
2. The Secretary to Government
Public Works Department

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3. Fort St.George, Chennai – 600 009
The Secretary to Government
Department of Revenue
Fort St.George
Chennai – 600 009
4. The Secretary to Government
Public Works Department (WRD), Chennai
Fort St. George, Chennai – 600 009
5. The Commissioner or Land Administration
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Singaravellar Malligai
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