



W.P.No.12605 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.12605 of 2019
and
W.M.P.No.12847 of 2019

N.Subramanian

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai-9.
2. The Principal Secretary,
Public Works Department,
Fort St. George, Chennai-9.
3. The Principal Secretary,
Revenue Department,
Fort St.George, Chennai-9.
4. The District Collector,
Namakkal District at Namakkal.
5. The Tahsildar,
Semdhamangalam Taluk,
Namakkal.
6. Naresh Babu



W.P.No.12605 of 2019

7. The Assistant Executive Engineer,
Public Works Department,
Sarabanga Division, Namakkal.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 5 and 7 to remove the encroachments made by the 6th respondent and also that of the other encroachments made in S. Nos. 158/5, 156/4, 146/2, 147/3, 148/1 and 97/2 Irrigation Channel of Naducombai Village, Sendhamangalam Taluk, Namakkal District.

For Petitioner : Mr.L.Chandra Kumar

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R5 & R7)

Mr.T.L.Thirumalaisamy
(for R6)

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the respondents 1 to 5 and 7 to remove the encroachments made by the 6th respondent and also that of the other encroachments made in S. Nos. 158/5, 156/4, 146/2, 147/3, 148/1 and 97/2 Irrigation Channel of Naducombai Village, Sendhamangalam Taluk, Namakkal District.



W.P.No.12605 of 2019

2. The learned Government Pleader, relying on the counter affidavit filed by the 1st respondent, would submit that the subject property in Survey No. 97/2 has been classified as “Odai” water body. The learned counsel for the 6th respondent contends that they have no objection for removing encroachments made in the water channel in Survey No.97/2.

3. Perusal of the affidavit and counter affidavit filed by the respective parties to the lis on hand, would reveal that sub divisions were made subsequently and therefore, a fresh survey is to be conducted to identify the water body and thereafter, the encroachments found, are to be removed.

4. Thus, the official respondents 1 to 5 and 7 are directed to conduct a fresh survey by affording opportunity to the parties, identify the encroachments in water bodies and thereafter, remove the encroachment in water bodies by following the procedures as contemplated under the relevant statutes and rules in force.

5. Petitioner and other parties, interested, are at liberty to submit their respective explanations along with the documents, if any, to the 4th respondent, within a period of two weeks from the date of receipt of a



W.P.No.12605 of 2019

copy of this order. Thereafter, the respondents 4, 5 and 7 are directed to complete the exercise within a period of eight weeks.

6. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

13.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



W.P.No.12605 of 2019

To
WEB COPY

1. The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai-9.
2. The Principal Secretary,
Public Works Department,
Fort St. George, Chennai-9.
3. The Principal Secretary,
Revenue Department,
Fort St. George, Chennai-9.
4. The District Collector,
Namakkal District at Namakkal.
5. The Tahsildar,
Semdhamangalam Taluk,
Namakkal.
6. The Assistant Executive Engineer,
Public Works Department,
Sarabanga Division, Namakkal.



WEB COPY



W.P.No.12605 of 2019

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

W.P.No.12605 of 2019

13.02.2024