



W.P.No.16514 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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S.KRISHNAN

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
TIRUVANNAMALAI DISTRICT,
TIRUVANNAMALAI.
2. THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT,
(WATER RESOURCE ORGANIZATION),
TIRUVANNAMALAI DISTRICT.
3. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT,
WRO, POLUR,
TIRUVANNAMALAI DISTRICT.
4. THE TAHSILDHAR
O/O.TAHSILDHAR,
CHETPET TALUK,
TIRUVANNAMALAI DISTRICT.
5. THE EXECUTIVE OFFICER
CHETPET TOWN PANCHAYAT,
CHETPET,
TIRUVANNAMALAI DISTRICT.



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6. C.DHANDAPANI
7. C.MURUGAN

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 4th respondent herein to consider the petitioner's representation dated 19.02.2024 and consequently direct them to stop the illegal construction work and evict the encroachment made by the 6th and 7th respondents in Survey No.352 at Kannanur Mathura Revenue village, Chetpet Circle, Tiruvannamalai District.

For the Petitioner : Mr.A.Anilan

For the Respondents : Mr.Habeeb Rahman
Government Advocate
for respondents 1 to 4

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus to direct the fourth respondent to consider the petitioner's representation dated 19.2.2024 and direct the said authority to stop the illegal construction work and remove the encroachments made by respondents 6 and 7 in Survey No.352 at Kannanur Mathura Revenue Village, Chepet Circle, Tiruvannamalai District.



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2. Learned counsel for the petitioner submitted that Thathankulam pond measuring an extent of 0.28.5 hectare situated in Survey No.352 has been encroached by the private respondents, which resulted not only in shrinkage of the said pond, leaving no sufficient space to store the water during rainy season. As a result, excess water flows into the residential area. Further, due to the encroachments made on the said pond, the ground water has decreased and the environment has also been affected. He would submit that despite a direction issued by the fourth respondent to the fifth respondent to remove the encroachments, nothing has been done till date and, hence, the petitioner has filed the present writ petition.

3. It appears that in order to remove the encroachments made in Thathankulam pond, the petitioner has earlier sent a representation to the first respondent on 19.2.2024 and the said representation has been forwarded to the Tahsildar, Chetpet. The Tahsildar, Chetpet, vide letter dated 23.2.2024, directed the fifth respondent to fix a date for removal of encroachments. Since the said authority has not taken any action to fix the date for removal of



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encroachments, the petitioner has filed the present writ petition.

4. Considering the limited prayer sought by the petitioner, without going into the merits of the matter, we direct the fifth respondent to act upon the letter dated 23.2.2024 of the fourth respondent and take action to remove the encroachments made in Thathankulam Pond in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity to all concerned, including the private respondents 6 and 7 herein.

5. The writ petition is disposed of accordingly. There shall be no order as to costs.

(R.M.D., ACJ.) (M.S.Q., J.)
03.07.2024

Index : Yes/No
NC : Yes/No
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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

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