



W.P.No.15429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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M.Vignesh

..

Petitioner

Vs.

1. The District Collector
Tiruvallur District.
2. The Revenue Divisional Officer
Tiruvallur.
3. The Tahsildar
Poonamallee Taluk
Tiruvallur District.
4. The Executive Engineer
Public Works Department
Water Resource Department
Kosasthalaiyar Basin Division
Tiruvallur.
5. The Block Development Officer
Poonamallee Village Panchayat
Poonamallee.



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6. Sri Annai Vidhyasharam Educational Trust
Rep. by its Managing Director Geetha
No.20, Sundarachozhavaram Main Road
Thiruverkadu
Chennai 600 077.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents No.1 to 5 to restore the water stream/channel running across Survey Number 286/1 of Kannappalayam Panchayat, Banavedu Village, Poonamallee Taluk, notified under Section 13 of the Tamil Nadu Survey and Boundaries Act, 1923, by removing the encroachments made by the respondent No.6.

For the Petitioner : No appearance

For the Respondents : Mr.M.Habeen Rahman
Government Advocate
for Respondents 1 to 4

ORDER

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

We have heard Mr.M.Habeeb Rahman, learned Government Advocate for the respondents 1 to 4. There is no representation on behalf of the petitioner.



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2. According to the petitioner, the sixth respondent has encroached the water channel in S.No.286 of Virakkalapudur Village, by levelling the same and constructing compound wall around it. Though the second respondent has directed the third respondent to take action based on the representation of the petitioner dated 13.09.2021, no action has been taken till now. Hence, the petitioner is before this Court.

3. A status report has been filed by the third respondent. It is stated that enquiry notice has been sent to the petitioner and the sixth respondent to attend the enquiry to be conducted by him on 13.08.2024 and on conclusion of the enquiry and the report, orders will be passed.

4. In view of the above, the writ petition is disposed of, directing the third respondent to conclude the enquiry and based on the report of the enquiry, pass appropriate orders to remove the



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encroachment made by the sixth respondent, if any, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
05.08.2024

Index : Yes/No
Neutral Citation : Yes/No

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D.KRISHNAKUMAR, ACJ,
AND
P.B.BALAJI,J.

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