



W.P.No.19696 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

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

W.P.No.19696 of 2020  
and  
W.M.P.Nos.24334 & 24335 of 2020

P.S.Nandhakumar

... Petitioner

**Vs.**

1. The State of Tamil Nadu,  
rep by the Commissioner of Revenue,  
PWD Estate, Chepak,  
Chennai-05.

2. The District Collector,  
Namakkal, Namakkal District.

3. The District Revenue Officer,  
Nammakkal, Namakkal District.

4. Selvaraj

5. Shanthi

6. Somu alais Shanmugham

7. Sundari

... Respondents



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**Prayer :-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent No.1 to 3 take steps to remove encroachment/ obstruction in the Channel in SFs No.421/2D and 420/1 running north to south between the SF 421/ 1A1A and wild stream in SF 432/1 in Porasapalayam, Siluvampatti Village, Namakkal Taluk and District on the basis the petitioners representation dated 12.10.2020.

For Petitioner : Mr.S.Jayavel

For Respondents : Mr.A.Selvendran,  
Special Government Pleader,  
(for R1 to R3);

Mr.S.Kalaiarasan,  
Advocate Commissioner,  
.

### **ORDER**

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

The relief sought for in the present writ petition is to direct the respondent No.1 to 3 take steps to remove encroachment/ obstruction in the Channel in SFs No.421/2D and 420/1 running north to south between the SF 421/ 1A1A and wild stream in SF 432/1 in Porasapalayam,



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Siluvampatti Village, Namakkal Taluk and District on the basis the petitioners representation dated 12.10.2020.

2. The report submitted by the learned Advocate Commissioner, appointed by this Court, would reveal that encroachments are identified in water bodies including private ponds. The respondents 2 and 3 are the competent authorities to conduct proper survey with reference to the Revenue records available and accordingly, issue notice to the encroachers of the water bodies / Government Poramboke lands and remove all such encroachers by affording them opportunity to defend their case in consonance with the provisions of the relevant Act and Rules.

3. Accordingly, the respondents 2 and 3 are directed to conduct an inquiry, identify the water body/ government lands and thereafter, initiate appropriate actions to remove the encroachments made by following the procedures as contemplated under the relevant statutes and rules in force. The respondents, while conducting an inquiry, shall issue notice to the petitioner as well as the private parties in the present writ petition. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

14.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

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**S.M.SUBRAMANIAM, J.**

**and**

**K.RAJASEKAR, J.**

(sha)

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