



WEB COPY

W.P.No.22683 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

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

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.22683 of 2019

S.Peter

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Pallavaram Taluk,
Kancheepuram District.
3. The Tahsildar,
Pallavaram Taluk,
Kancheepuram District.
4. The Revenue Divisional Officer,
Pallavaram Taluk, Taluk Office Complex,
1st Office, GST Road, Opposite to MEPZ,
Tambaram West, Chennai – 600 045,
Kancheepuram District.
5. The Village Administrative Officer,
Gerugambakkam Village,
Pallavaram Taluk, Kancheepuram District.



6. Water Works Department,
Water Resources Organization,
Chepauk, Chennai – 600 005.

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7. V.Chelladurai

8. Jayapaul

9. Arputham

10. Vinayagam

11. Mariyammal

12. Jagadhambal

13. Chinnaraj

14. Vaithi

15. Lakshmanan

16. Balaraman

17. Shyamala

18. Vivekanandan

19. Ramakrishnan

20. Sasi

21. Pavalakodi

22. Benjamin

23. Tamilvanan



24. Anbu

25. Govindasamy

26. Vasantha

27. Seethapathy

28. Saroja

29. Kannan

30. Swaminadhan

31. Vijayalakshmi

32. Kumar

33. Deivasigamani

34. BSB Hardwares

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to take action on the 7th-34th respondents herein who are occupying the public road and channel in front of the land in S.Nos.269, 270/2 and 270/3A Gerugambakkam village as identified by the 4th respondent vide letter dated 26.02.2016 bearing reference No Na.Ka.7000/2014/A2 and evict them in a timely fashion.

For Petitioner : Mr.S.R.Raghunathan
for M/s.Vaishali.R

For R1 to R6 : Mr.A.Selvendran,



Special Government Pleader

For R8 to R10, R13, R15 to
R21, R23, R25, R26, R28 : No appearance
to R32 and R34

For R7, R11, R12, R14,
R22, R24 and R27 : Died steps due

For R33 : Mr.Sampathkumar Associates

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ petition has been filed for directing the Respondents to take action on the 7th - 34th respondents herein who are occupying the public road and channel in front of the land in S.Nos.269, 270/2 and 270/3A Gerugambakkam village as identified by the 4th respondent vide letter dated 26.02.2016 bearing reference No Na.Ka.7000/2014/A2 and evict them.

2. Direction, as such sought for in the nature of injunction cannot be considered in writ proceedings, in the absence of an adjudication or passing an order on merits by the competent authority.

3. The learned counsel for the petitioner would submit that there are



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no encroachments in the water body. The petitioner is in possession of relevant documents to establish their title or ownership. Thus, the action proposed to be initiated by the authorities are to be dropped.

4. Writ petition instituted based on apprehension is not entertainable.

Admittedly, no notice under the relevant provisions of the Act has been issued. Encroachments are to be removed by following the procedures as contemplated under the provisions of the Tamil Nadu Land Encroachment Act, 1905 or the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 or under the relevant local bodies Act.

5. The learned Special Government Pleader appearing on behalf of the respondents made a submission that notices have already been issued to the encroachers.

6. That being the factum, the petitioner is at liberty to submit his objections along with the documents to establish their case within a period of ten (10) days. The respondents are directed to conduct a thorough enquiry with reference to the encroachments in water body with reference to the



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documents and revenue records and take a final decision. If encroachments are identified in the water body, there cannot be any further leniency and all such encroachments in the water body are to be removed. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of. No costs.

(S.M.S.,J.) (K.R.S.,J.)
25.03.2024

skr
Index : Yes
Speaking order

To

1. The Secretary to Government of Tamil Nadu,
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Chennai – 600 009.
2. The District Collector,
Pallavaram Taluk, Kancheepuram District.
3. The Tahsildar, Pallavaram Taluk,
Kancheepuram District.
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1st Office, GST Road, Opposite to MEPZ,
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Kancheepuram District.

5. The Village Administrative Officer,
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