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W.P. No. 21618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 21618 of 2023
and
W.M.P. No. 20989 of 2023**

S.K.Shree Kumaran

... Petitioner

-VS-

1. The Commissioner
Tambaram Corporation
Tambaram, Chengalpattu District.
2. The District Collector
Chengalpattu District
Chengalpattu.
3. The Revenue Divisional Officer
Tambaram, Chengalpattu District.
4. The Revenue Tahsildar
Pallavaram Taluk
Pallavaram, Chengalpattu District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents, their men and servants from in any way causing damage by letting out drainage /sewage water and also laying public passage in and over Petitioner patta lands measuring 3.07 acres bearing T.S. No. 22/1A (old S.F. No. 123/1B), 24/3. 24/2, Jamin Pallavaram Village, Pallavaram Taluk, Chengalpattu District, by



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considering Petitioner's representation dated 09.07.2023.

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For Petitioner : Mr. N.Manoharan

For Respondents : Mr. P.Srinivas (R1)

Mr. V.Ravi, SGP (RR2 to 4)

ORDER

Heard Mr. N.Manoharan, Learned Counsel for the Petitioner, Mr. P.Srinivas, Learned Counsel appearing for the First Respondent and Mr. V.Ravi, Learned Special Government Pleader appearing for the Second to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed to restrain the Respondents, their men and servants from in any way causing damage by letting out drainage /sewage water and also laying public passage in and over Petitioner patta lands measuring 3.07 acres bearing T.S. No. 22/1A (old S.F. No. 123/1B), 24/3. 24/2, Jamin Pallavaram Village, Pallavaram Taluk, Chengalpattu District by considering the representation dated 09.07.2023 made by the Petitioner.



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3. In furtherance to the order dated 22.11.2023 passed by the Court,

Learned Counsel appearing for the Fourth Respondent has filed a memo dated

20.02.2024 which reads as follows:-

“3.On the field inspection, It has been discovered that a rainwater canal measuring 50 square meters (540 square feet) is located on the northern side of the petitioner's land in T.S. No. 22/1A. On the western side of T.S. No. 22/1A. The canal was diverted and now runs through T.S. No. 24/7, which acts as a water passage leading to Potheri-Keelkattalai eri. Prior to the diversion, a watercourse in the canal used to run on the land in Survey No. 22/1A. This issue was later resolved by regulating the flow of water in the canal and blocking it from reaching the petitioner's patta land, as directed by the authorities concerned. There lies a road that branches from the 200 Feet Road to Nemilichery to an extent of 97.5 sq.mtr (1050 sq.). The encroachment already found on the southern side of T.S. No. 24/2 in the canal was removed and there is no such encroachment as of today.



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4. *It is submitted that inspection was caused on the land in question of the petitioner as per the interim order dated 22.11.2023. The inspection report categorically speaks about the actual and exact position of land in question. The encroachment already found on the southern side of T.S. No. 24/2 in the canal was removed and there is no such encroachment as on date. Now canal is running in T.S. No. 24/7 which acts as a water passage leading to Potheri-Keelkattalai eri. The issue relating to the canal water running on the land in the petitioner's land in Survey No. 22/1A was sorted out by regulating the flow of water in the canal by blocking it to reach the patta land of the petitioner. There is no encroachment found in the patta land of the petitioner in T.S. No. 22/1A, 24/2 and 24/3."*

In such circumstances, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he still has any further grievance, from working out his remedies before the proper forum in the manner recognized by law.



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In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

20.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 19.03.2024.

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To

1. The Commissioner
Tambaram Corporation
Tambaram, Chengalpattu District.
2. The District Collector
Chengalpattu District
Chengalpattu.
3. The Revenue Divisional Officer
Tambaram, Chengalpattu Districtt.
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P.D. AUDIKESAVALU, J.

Maya

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