



WEB COPY

W.P.No.20351 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

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

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.20351 of 2020

R.Simion

... Petitioners

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Chinnasalem Taluk,
Chinnasalem, Villupuram District.
3. The Village Administrative Officer,
Kachirapalayam Village,
Chinnasalem Taluk,
Villupuram District.
4. The Assistant Engineer,
PWD Department,
Water Resource Organization,
Vellaru Drainage Sub-Division,
Kallakurichi, Kallakurichi District.
5. Mr.Peter
6. Mr.M.Sagayaraj



7. Mr.Lucas

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose of the representation dated 08.10.2020 submitted by the petitioner to the 1st respondent within a stipulated time.

For Petitioner : M/s.M.R.Sakunthala

For R1 to R4 : Mr.A.Selvendran,
Special Government Pleader

For R5 : No appearance

For R6 & R7 : Mr.V.Gunasekar

ORDER

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

The writ petition has been filed for directing the 1st respondent to dispose of the representation dated 08.10.2020 submitted by the petitioner to the 1st respondent within a stipulated time.

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.

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3. The learned counsel for the petitioner would submit that there are encroachments in the water body and that there is an attempt made by people to lay roads on the banks.

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



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objections, if any, 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 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.)
20.03.2024

skr

Index : Yes

Speaking order

To

1. The District Collector, Villupuram District,
Villupuram.
2. The Tahsildar, Chinnasalem Taluk,
Chinnasalem, Villupuram District.



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3. The Village Administrative Officer,
Kachirapalayam Village, Chinnasalem Taluk,
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4. The Assistant Engineer, PWD Department,
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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