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WP No.25181 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 25181 of 2022
and WMP.No.24137 of 2022**

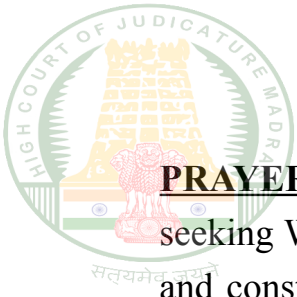
Kristappa Gramani Education Trust
rep., by its Secretary
K.Kamalakkannan.

Petitioner

Vs

1. The District Collector,
Chengalpattu District,
Office of the District Collector,
Collectorate, GST Road,
Chengalpattu-603 001.
2. The Divisional Engineer,
Highways Department,
Office of the Highways Department,
MXGG + CWP, Alagesan Nagar,
Varadharaja Nagar,
Chengalpattu-603 001.
3. The Assistant Divisional Engineer,
Highways Department,
MXGG + CWP, Alagesan Nagar,
Varadharaja Nagar,
Chengalpattu-603 001.
4. Kumaravel

.... Respondents



PRAYER: This Writ Petition is filed under 226 of Constitution of India to seeking Writ of Mandamus to direct the respondents to forbear from excavating and constructing rain/storm water canal/ Box Culvert on the road immediately abutting private patta land of the Writ Petitioner under Survey No.616/3B in Thaiyur Village, Thirupporur Taluk, Chengalpattu District.

For Petitioner(s): Mr.V.Adhivarahan

For Respondent(s): Mr.LSM. Hasan Fizal AGP

ORDER

This Writ Petition is filed seeking Writ of Mandamus to direct the respondents to forbear from excavating and constructing rain/storm water canal/Box culvert on the road with immediately abutting private patta land of the Writ Petitioner under Survey No.616/3B in Thaiyur village, Thirruporur Taluk, Chengalpattu District.

2. The learned counsel for the petitioner submits that the petitioner trust, which aims to provide educational assistance to meritorious students hailing from economically weaker Section, plans to build a school on a private patta land in Survey No.616/3B, Thaiyur Village. However, the respondents (Highway Department) are attempting to dig a rain/storm water canal through



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this land, despite the availability of Government poramboke lands on either side of the road. The learned counsel for the petitioner further submits that the respondent's action are arbitrary and illegal. The petitioner had previously filed a Writ Petition in W.P.No.11211 of 2022, which was closed by this Court based on the respondents written instructions that the construction would be 4 meters away from the petitioner's land. However, the respondents have started digging the canal immediately abutting the petitioner's land, in breach of their earlier undertaking. Therefore, the petitioner has filed this Writ Petition with the above said prayer.

3. The learned Additional Government Pleader appearing for the respondent submits that this Court by its order dated 25.06.2024, directed the petitioner to make a representation and pursuant to which, the first respondent was directed to conduct an inquiry and pass appropriate orders, including removal of any encroachments in accordance with law, within a period of eight weeks. Pursuant to the said directions inspection was conducted wherein, it was found that the rain/ storm water canal has been constructed on government land



without encroaching upon the patta land owned by the petitioner.

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4. The learned Additional Government Pleader appearing for respondent submits that since the construction of the canal has resolved the issue of water stagnation in the area, a suitable direction may be issued to the second respondent to take necessary precautionary measures to prevent water stagnation in the petitioner's land.

5. In the light of the above submissions, this Writ Petition is disposed of. The second respondent is hereby directed to take precautionary measure to prevent rainwater from stagnating in the petitioner's land. No costs. Consequently, the connected miscellaneous petition is closed.

30-08-2024

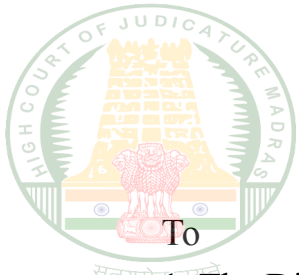
Jai

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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Collectorate, GST Road,
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M.DHANDAPANI, J.

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