



WEB COPY



W.P.No.26242 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.26242 of 2021
AND
W.M.P.No.27696 of 2021

G.Chandran

Vs.

.. Petitioner

1.The Union of India
Rep. by the Chief Secretary to Government
Government of Puducherry
Chief Secretariat, Beach Road
Puducherry

2.The Principal Secretary to the
Hon'ble Lieutenant Governor
Raj Nivas, Puducherry 605 001

3.The Secretary
Legislative Assembly
Government of Puducherry
Puducherry 605 001

4.The Secretary to Government
Department of Sports and Youth Development
Chief Secretariat, Beach Road
Government of Puducherry
Puducherry 605 001



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5.The District Collector
O/o.The Collectorate
Vazhudhavor Road
Government of Puducherry
Puducherry 605 009

6.The Sub Collector Revenue (South)
Government of Puducherry
Villianoor
Puducherry 605 110

7.The Additional Secretary to Government-cum-Director
Directorate of Industries and Commerce
Government of Pondicherry
Thattanchavady, Puducherry 605 009

8.The Commissioner
Villianur Commune Panchayat
Villianur, Puducherry 605 110

9.The Executive Engineer
(Irrigation Division)
Public Works Department
Government of Puducherry
Puducherry 605 001

10.The Assistant Engineer
Sedarapet Sub Division
Electricity Department
Pondicherry

11.The Member Secretary
Pondicherry Planning Authority
Government of Pondicherry
Pondicherry 605 010

12.The Commissioner-cum-The Secretary to Government (Power)
Chief Secretariat, Beach Road
Puducherry 605 001



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13.The Member Secretary
Puducherry Ground Water Authority
No.15, 3rd Cross Street, Mariamman Nagar
Karamanikuppam, Puducherry 605 004

14.M/s.Cricket Association of Pondicherry
Sedarapet Main Road, Pondicherry 605 101
Rep. by its Honorary Secretary
V.Chandran

15.The Estate Manager and Facility-in-charge
Siechem Technologies Pvt. Ltd.
Sedarapet Main Road
Puducherry 605 101

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 6th respondent to implement the order No.5350/SCRS/B2/Encr/2020 dated 12.11.2021 and direct the 9th respondent to implement the order No.2833/PW/EE1/JE(P)/EO-25/2020 dated 16.11.2020 and further direct the 11th respondent to implement the order No.5955/PPAZ/(SB-VCP)/2018-20 dated 17.11.2020 issued to the 15th respondent.

For Petitioner : Mr.M.Gnanasekar

For R1 to R13 : Mr.V.Vasanthakumar
Additional Government Pleader (Puducherry)

For R14 : Mr.Sathish Parasaran
Senior Counsel
for Mr.B.Balavijayan

For R15 : Mr.Srinath Sridevan
Senior Counsel
for Mr.P.Muthukumaraswamy



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ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

Heard all the parties and perused the materials placed on record.

2.The relief sought in this writ petition is to issue a mandamus to the official respondents of the Government of Puducherry viz., The Sub Collector Revenue (South), The Executive Engineer (Irrigation Division) of the Public Works Department, and The Member Secretary of the Planning Authority, to remove the encroachment in the petitioner's property by implementing the respective orders dated 12.11.2021, 16.11.2020 and 17.11.2020 passed by them.

3.The learned counsel for the petitioner submitted that the 15th respondent had encroached vast extent of property and lake area, including the property of the petitioner. Despite several orders being passed to remove the encroachment, no action has been taken by the official respondents in this regard. Therefore, the learned counsel prayed for appropriate direction to remove the encroachment in the petitioner's property.



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4. On the other hand, Mr.V.Vasanthakumar, learned Additional Government Pleader (Puducherry), on instructions, submitted that the eviction proceedings initiated by the respondent authorities, is under challenge before the learned District Judge, Puducherry.

5. Considering the fact that the matter is already *sub judice* before the District Judge, and also as agreed by all the parties, this Court without going into the merits of the case, directs the District Court, Puducherry to dispose of the appeal pending on its file, purely on merits and in accordance with law, after affording reasonable opportunity to all the parties, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

[R.M.D,J.] [M.S.Q, J.]
22.02.2024

Neutral Citation : Yes/No
gya



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To

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Government of Puducherry

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14.The District Judge
Puducherry



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