



W.P.No.32796 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.32796 of 2019
and
W.M.P.No.33220 of 2019

Kannammal

... Petitioner

Vs.

1.The Additional Chief Secretary to
Government of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat,
Chennai.

2.The District Collector,
Krishnagiri District.

3.The Thasildar,
Uthangarai Taluk,
Krishnagiri District.

4.The Block Development Officer,
Uthangarai,
Krishnagiri District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of Writ of Certiorari, to call for the records in connection with G.O.No.377 dated 11.10.2019 of 1st respondent and quash the same with regard to petitioner's property to an extent of 0.50 Cents comprised in survey no.171/1 an extent of 0.30 Cents and comprised in Survey No.171/3 and extent of 0.20 Cents Thiruvanapatti Village, Uthangarai Taluk, Krishnagiri District.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

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

The Writ Petition has been filed challenging the Government Order in G.O.No.377 dated 11.10.2019 issued by the 1st respondent.

2. The subject property under encroachment of the petitioner has been identified as "ஓணி" i.e., 'water course poramboke', which is a storm water drainage. During the summer season, it will be utilised as a pathway by the people. The petitioner is an encroacher of "ஓணி" water course



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poramboke, which is a water canal. The Original Authority passed an order of eviction and the petitioner filed a revision before the Government. The Government considered the facts and passed the impugned order in G.O.(Ms)No.377, Revenue and Disaster Management Department dated 11.10.2019, rejecting the claim of the writ petitioner.

3. The impugned Government Order would reveal that the adjacent land belongs to the petitioner is Patta land. The subject property under encroachment has been classified as water canal. Therefore, the Authorities Competent are empowered to evict the encroachments and maintain the water canal for the benefit of the people of that locality.

4. Therefore, we do not find any infirmity in respect of the impugned Government Order. Thus, the respondents are bound to evict the encroachments and protect the water canal for free flow of water for the benefit of the people of that locality. The respondents are directed to take possession of the subject property by evicting the encroachments within a period of eight weeks from the date of receipt of a copy of this order.



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5. With these directions, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]
27.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

- 1.The Additional Chief Secretary to
Government of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat,
Chennai.
- 2.The District Collector,
Krishnagiri District.
- 3.The Thasildar,
Uthangarai Taluk,
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Order in
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