



WEB COPY

W.P.No.4664 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.4664 of 2020

Pachal Arasu Aluvalar Nagar (NGGO Nagar)

... Petitioner

Vs.

1. The Additional Chief Secretary,
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
2. The District Collector of Vellore,
Collectorate, C.P.Chatram Maligai,
Sathuvachari, Vellore District – 632 009.
3. The District Revenue Officer,
Collectorate, C.P.Chitrasu Maligai,
Sathuvachari, Vellore District – 632 009.
4. The Sub-Collector of Tirupattur,
Office of the Sub-Collector,
Tirupattur : 635 601,
Vellore District.
5. The Tahsildar of Tirupattur,
Taluk Office, Tirupattur – 635 601,
Vellore District.
6. The Block Development Officer,



Jolarpet @ Ashok Nagar,
Tirupattur Taluk,
Vellore District – 635 601.

WEB COPY

7. Chinnaraj

8. Sasikumar

9. Senthamizhkumaran

10. Jayanthi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the representations of the Petitioner Association dated 10.01.2019, 11.02.2019, 25.02.2019 and 17.05.2019 and to remove the encroachments in the approached roads in S.Nos. 333/1B, 333/1C, 333/1C3 to NGGO Nagar, Tirupattur, Vellore District within a time to be stipulated by this Hon'ble court.

For Petitioner	: Mr.V.Nicholas
For R1 to R6	: Mr.A.Selvendran, Special Government Pleader
For R7 to R10	: Mr.S.Vijayakumar
For R8	: No appearance
For R9	: Mr. Durai Gunasekaran

ORDER



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

The relief sought for in the writ petition is to direct the respondents 1 to 6 to consider the representations of the Petitioner Association dated 10.01.2019, 11.02.2019, 25.02.2019 and 17.05.2019 and to remove the encroachments in the approached roads in S.Nos. 333/1B, 333/1C, 333/1C3 to NGGO Nagar, Tirupattur, Vellore District

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.

3. The learned counsel for the petitioners would submit that there are no encroachments in the water body. The petitioners are in possession of relevant documents to establish their title or ownership. Thus, the action proposed to be initiated by the authorities are to be injected.

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.

WEB COPY

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 petitioners are at liberty to submit their objections along with the documents to establish their case within a period of ten (10) days from today. 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. After completing the enquiry, a decision is to be taken and the encroachments are to be identified. On such identification, all appropriate actions are directed to be initiated to remove the encroachers by following



the procedures, as contemplated under the relevant Statutes and Rules in force. The entire exercise is directed to be completed within a period of twelve 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. Consequently, connected Miscellaneous Petitions are closed

(S.M.S.,J.) (K.R.S.,J.)
27.03.2024

skr

Index : Yes

Speaking order

To

1. The Additional Chief Secretary,
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
2. The District Collector of Vellore,
Collectorate, C.P.Chatram Maligai,
Sathuvachari, Vellore District – 632 009.
3. The District Revenue Officer,
Collectorate, C.P.Chitrasu Maligai,
Sathuvachari, Vellore District – 632 009.



WEB COPY

W.P.No.4664 of 2



4. The Sub-Collector of Tirupattur,
Office of the Sub-Collector,
Tirupattur : 635 601, Vellore District.
5. The Tahsildar of Tirupattur,
Taluk Office, Tirupattur – 635 601,
Vellore District.
6. The Block Development Officer,
Jolarpet @ Ashok Nagar,
Tirupattur Taluk, Vellore District – 635 601.



WEB COPY

W.P.No.4664 of 2



S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

skr

W.P.No.4664 of 2020

27.03.2024