



WEB COPY



W.P.No.35216 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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

W.P. No.35216 of 2019
and
W.M.P.No.36007 of 2019

J.Jenifer

... Petitioner

Vs.

- 1.Engineer-in-Chief (W.R.O)
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai – 600 005.
- 2.The Chief Engineer (WRO),
Chennai Region, Chepauk, Chennai – 600 005.
- 3.The Executive Engineer (WRO),
Kosthalaiyar Basin Division,
Thiruvallur – 602 001.
- 4.The Assistant Engineer,
Adyar Irrigation Section,
St.Thomas Mount,
Chennai – 600 116.



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5. The Assistant Engineer,
Greater Chennai Corporation,
Ward – 137, Block-28,
Zone-10, Sector – 10,
61st Street, K.K.Nagar,
Chennai – 600 078.

6. The Tahsildar,
Mambalam Taluk,
Chennai – 600 078.

... Respondents

(R2 to R6 impleaded as per order
dated 14.02.2020 made in W.M.P.No.3767 of 2020
in W.P.35216 of 2019 by RPSJ, RPAJ)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for
issuance of Writ of Mandamus, forbearing the respondent from in any way
interfering with the petitioner's peaceful possession and enjoyment of
demolishing the subject property.

For Petitioner : Mr.G.Ilangovan

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

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

The relief sought for in the present writ petition is to forbear the
respondent from in any way interfering with the petitioner's peaceful
possession and enjoyment of demolishing the subject property.



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2. Admittedly, no notice to remove the encroachment has been issued against the writ petitioner. Thus, the petitioner has not established any cause for filing the writ petition. Writ petition has been instituted based on certain apprehension.

3. Mr.A.Selvendran, learned Special Government Pleader would submit that the petitioner is an encroacher of water body. Therefore, all appropriate actions will be initiated against the petitioner.

4. In view of the facts and circumstances, the respondents are directed to conduct a survey and identify the encroachments in the water body and thereafter evict the encroachers by following the procedures as contemplated under the relevant Act and Rules in force. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. Accordingly, the Writ Petition stands disposed of. 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

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Order in
W.P.No.35216 of 2019

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