



WEB COPY



W.P.Nos.35554, 35555 & 35557 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.Nos.35554, 35555 & 35557 of 2019

and

W.M.P.Nos.36406, 36408, 36410 of 2019

Manikandan ... Petitioner in W.P.No.35554/2019

Poongodi ... Petitioner in W.P.No.35555/2019

Deivegan ... Petitioner in W.P.No.35557/2019

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Public Works Department,
Secretariat, Chennai – 600 009.

2.Assistant Engineer,
Public Works Department,
Irrigatino Division,
ulundurpettai – 606 107.

3.Ulundurpet Town Panchayat,
Rep.by its Executive Officer,
Ulundurpet, Kallakurichi District.

(R3 impleaded as per order in WMP.Nos.4258, 4259 & 4263 of 2020 in
WP.Nos.35554, 35555 & 35557 of 2019 on 27.02.2024 by SMSJ KRSJ)

... Respondents in all W.Ps.



W.P.Nos.35554, 35555 & 35557 of 2019

Common Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent dated 09.12.2019 bearing reference No.Nil, calling upon the petitioner to vacate the house and quash the same as illegal, arbitrary, without jurisdiction, consequently direct the respondents not to disturb the petitioner and their family members henceforth.

For Petitioners in
all the writ petitions : Mr.R.Saravana Kumar

For Respondents in
all the writ petitions : Mr.A.Selvendran,
Special Government Pleader
(for R1 to R2)

COMMON ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The form III, issued under Tamil Nadu Act 8 of 2007, dated 9.12.2019, is sought to be quashed in the present writ petitions. The second respondent conducted an inspection and found that the petitioners are the encroachers of the water body.

2. The learned counsel for the petitioner would submit that the land under occupation of the petitioners is not a water body and he possess



W.P.Nos.35554, 35555 & 35557 of 2019

documents to be establish the same. If so, the petitioners are at liberty to submit their objections, if any, along with the documents within a period of 10 days from today, to the second respondent.

3. On receipt of any such document, the second respondent shall look into the same and take final decision regarding the encroachments and thereafter, remove the encroachments, if any identified, in the water body. There cannot be any leniency in the matter of removal of encroachments from the water body since the water resources are to be protected for public good. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petitions are disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

27.02.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)



W.P.Nos.35554, 35555 & 35557 of 2019

To
WEB COPY

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Public Works Department,
Secretariat, Chennai – 600 009.

2.Assistant Engineer,
Public Works Department,
Irrigatino Division,
ulundurpettai – 606 107.

3.Ulundurpet Town Panchayat,
Rep.by its Executive Officer,
Ulundurpet, Kallakurichi District.



WEB COPY



W.P.Nos.35554, 35555 & 35557 of 2019

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

W.P.Nos.35554, 35555 & 35557 of 2019

27.02.2024