



W.P.No.13868 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

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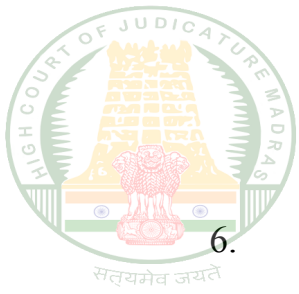
Selvaraj Naidu
S/o.Subramanian

...Petitioner

Vs

1. The Collector
Cuddalore - 607 001.
2. The Revenue Divisional officer
Cuddalore - 607 001.
3. The Tahsildar
Kurinjipadi
Kurinjipadi Taluk
Cuddalore District.
4. Duraisami
S/o.Govindasami
5. Devaraj
S/o.Singaram

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6. The Executive Engineer
Water Resource Department
Chidambaram
Cuddalore District.

...Respondents

* R6 suo-motu impleaded vide order dated 19.03.2025.

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents 1 to 3 to maintain the channel running in S.Nos.13/2 in Edankondampattu Village, Kurinjipadi Taluk, Cuddalore District by considering the representation dated 24.06.2021.

For Petitioner	:	Mr.K.B.Rohith for Mr.D.Baskar
For Respondents	:	Mr.T.K.Saravanan Additional Government Pleader for R1 to R3 & R6 NA - for R4 & R5

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI,**]

Captioned 'Writ Petition' {'WP'} has been filed seeking for mandamus directing the respondents 1 to 3 to maintain the channel running in S.Nos.13/2 in Edankondampattu Village, Kurinjipadi Taluk, Cuddalore District.

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3. Mr.K.B.Rohith, the learned counsel appearing on behalf of writ petitioner submits that since no action is taken on his representation dated 24.06.2021, the petitioner is constrained to file the present writ petition for a suitable direction to the official respondents.



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4. Mr.T.K.Saravanan, learned Additional Government Pleader for R1

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to R3 submits that survey of said land is underway and that if any encroachment is found, suitable action will be taken in accordance with law by invoking the provisions of 'the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007)' {hereinafter 'Tanks Act' for the sake of convenience, clarity and brevity}. He further submitted that the Executive Engineer, Water Resource Department is a competent authority to take action under TANKS Act but he is not made as a party in the present WP.

5. Considering the above facts and circumstances of the case, the following order is passed:

(i) We suo-motu implead the Executive Engineer, Water Resource Department, Chidambaram, Cuddalore District as R6 in the captioned WP. Issue notice to R6. Learned State counsel accepts notice for R6 also.

(ii) The Tahsildar with the aid of Taluk Surveyor shall conduct a survey within a period of two weeks from today i.e., by 09.04.2025 and submit a report to R6;



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(iii) If any encroachment is found, the same shall be removed by invoking provisions under Tanks Act following the principles laid down in ***T.K.Shanmugam*** case ***{T.K.Shanmugam Vs. The State of Tamil Nadu and others}*** reported in ***2015 SCC OnLine Mad 9343***;

(iv) If any representation is submitted by alleged encroachers, the same also shall be considered while taking a decision on the alleged encroachment;

(v) The decision taken shall be communicated to the writ petitioner as well as private respondents within three working days from the date of the order;

With the above observations and directions, captioned WP is disposed of. There shall be no order as to costs.

[M.S.,J.]

[K.G.T.,J.]

19.03.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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To

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Cuddalore - 607 001.
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Kurinjipadi
Kurinjipadi Taluk
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