



W.P.No.20372 of 2024

W.P.No.20372 of 2024

WEB COPY

M.SUNDAR, J.,

and

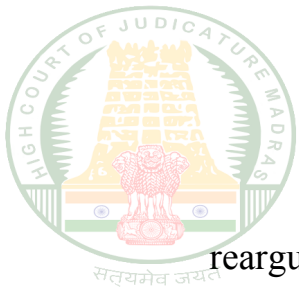
K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made M.SUNDAR.J.,)

The prayer in the captioned writ petition is in two parts.

2. One part of the prayer pertains to a mandamus qua removal of alleged encroachment on channels emanating from Chembarambakkam lake and passing through five villages, namely 61-Malaiyambakkam Village, No.65-Kollaichery Village, No.87-Muntram Kattai Village, No.83-Thandalam Village and No.81-Tharapakkam Village. In this regard, the writ petitioner has *inter alia* sent a representation dated 21.12.2023.

3. The second part of the prayer pertains to a police complaint dated 30.11.2023 which according to Mr.V.Selvaraj, learned counsel appearing on behalf of the counsel on record for the writ petitioner is a



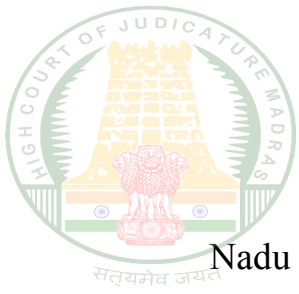
W.P.No.20372 of 2024

WEB COPY

rearguard action owing to writ petitioner being proactive. At this juncture, we do not express any opinion on this.

4. Issue notice regarding admission to official respondents for the present i.e., Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4, R6, R7 and R8 and Mr.L.Baskaran, learned Government Advocate (Crl.side) accepts notice for R5, R9 and R10. To be noted, R10 is present in Court.

5. As regards the first part of the prayer Mr.T.K.Saravanan, learned Government Advocate adverting to a communication dated 23.07.2024 bearing reference ந.க.2578/2024 from R8 (The Tahsildar, Kundrathur Taluk, Kancheepuram District) submits that survey is underway and thereafter, if encroachments are found, action will be initiated under 'Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007' (Tamil Nadu Act 8 of 2007)' [hereinafter 'said Tanks Act' for the sake of convenience and clarity] and Rules thereunder, namely 'Tamil



W.P.No.20372 of 2024

Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007'

WEB COPY

{hereinafter 'Tanks Rules' for the sake of brevity}. We make it clear that as regards Tanks Act, if action is initiated, owing to Full Bench judgement of this Court in *T.K.Shanmugam's* case {*T.K.Shanmugam Vs. State of Tamil Nadu* reported in *2015 (5) LW 397*} alleged encroachers have to be show-caused and given an opportunity. As regards the second part, Mr.L.Baskaran, learned Government Advocate (Crl.side) requests for time to get instructions on the 30.11.2023 police complaint and revert to this Court.

6. In the next listing State counsel shall file a status report regarding survey that is underway qua first part of the prayer and Government Advocate (Crl.side) shall report to us regarding the action taken on the criminal complaint.

7. The question of issuing notice to the private respondents will be considered after the State counsel revert to us.



WEB COPY



W.P.No.20372 of 2024

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

gpa

List on 09.08.2024.

gpa

(M.S.,J.) (K.G.T.,J.)

24.07.2024

W.P.No.20372 of 2024