ABSTRACT

Encroachment - Formation of Various Committees to dispose the grievances relating to the eviction of encroachment in Government land - Directions of High Court of Madras in W.P.No.26722/2013 & M.P.No.1/13 - Implementation of orders of the High Court of Madras - Orders issued - Amendments - Issued.

Revenue [LD6(2)] Department

G.O.(Ms).No. 148 **Dated: 24.03.2016.**

Read:

G.O (Ms) No.540, Revenue [LD6(2)] Department dated 04.12.2014.

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ORDER:

In the Government Order read above, orders were issued for constitution of 3 Redressal Committees i.e., Taluk Level Committee, Appellate Committee at Divisional Level and Review Committee at District Level for eviction of encroachments.

2. Thiru N.Renganathan of Kalpakkam Village, aggrieved by the encroachment made in the Off take Channel of Palar River viz., Vayalur Channel in Thirukalukundram Taluk, Kancheepuram District had filed a W.P.No.4614 of 2015 in the High Court of Madras, for removal of the encroachments made in the Palar River by evicting the encroachers and consequently demolish any illegal or unauthorized constructions made in the said area.

3. The Hon'ble High Court in its orders, dated 31.03.2015 in the said Writ Petition No.4614 of 2015 has observed that as such kind of encroachments all over the State of Tamil Nadu are perennial in character and these occur right under the eyes of the concerned authorities, it is time that the officers, who fail to perform their duties are brought to book, instead of only taking remedial measures after the encroachment has occurred. Hence the Court had directed the Public Works Department to fix the responsibility and take disciplinary action against the defaulting employees and to undertake this exercise also by 30.06.2015. The Court further directed to evolve a mechanism regarding the encroachments under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, similar to the mechanism already brought into force regarding the encroachments on Public Land, wherein complaints can be made, decision taken and appeal remedy is also provided.

/p.t.o/

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4. In the light of the observations made by the Hon'ble High Court of Madras in W.P.No.4614 of 2015 to evolve an exercise / Mechanism for eviction of encroachment in the water bodies of the Water Resources Department, Public Works Department, the Government have examined the issue and after careful consideration, the following amendments are issued to G.O.(Ms)No.540 Revenue [LD6(2)] Department dated 04.12.2014.

AMENDMENTS

In the said Government Order,-

(1) in para 2,-

a) in clause (ii), for the expression "respective Tahsildar", the expression "respective Tahsildars / Assistant Engineer, Water Resources Department, Public Works Department" shall be substituted;

b) in clause (iii), after the expression "3) Deputy Inspector of survey", the expression "4) Assistant Executive Engineer, Water Resources Department, Public Works Department" shall be added;

c) in clause (iv), after the expression "3) Assistant Director of Survey", the expression "4) Executive Engineer, Water Resources Department, Public Works Department" shall be added;

(2) after paragraph 4, the following paragraph shall be added, namely:-

" 5. In case of any default on the part of Assistant Engineer / Assistant Executive Engineer / Executive Engineer regarding the encroachments, the responsibility has to be fixed on the officials from the level of Assistant Engineer to the Executive Engineer by the Public Works Department".

(BY ORDER OF THE GOVERNOR)

R. VENKATESAN,
SECRETARY TO GOVERNMENT.

To
The Additional Chief Secretary/Commissioner of Land Administration,
Chepauk, Chennai-5.
The Public Works Department, Chennai-9.
All District Collectors.

Copy to:
The Home Department, Chennai-9.
The Highways Department, Chennai-9.
G.O (MS) No.540 Revenue [LD.6(2)] Department dated 04.12.2014.
SF/SC.

//FORWARDED BY ORDER//

24/3/16
SECTION OFFICER.

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