

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.26677 of 2015 and M.P. Nos.1 to 3 of 2015

Raja @ Sampath

..Petitioner

vs.

1 The Government of Tamil Nadu
represented by its Secretary
Public Works Department
Fort St. George
Chennai 600 009

2 The District Collector
Villupuram District

3 The Assistant Engineer
Public Works Department
Water Resources Organisation
Irrigation Wing (WRO)
Chinna Salem
Villupuram District

4 The Tahsildar
Kallakurichi and Taluk

5 The Inspector of Police
Chinna Salem
Villupuram District

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the Assistant Engineer, Public Works Department, Irrigation Division (WRO), Chinna Salem culminating in Ka.No.4/2015/E.P./S.S/ dated 01.07.2015 and quash the same and further direct the respondents 3 to 5 not to take any coercive steps to evict the petitioner in Survey No.379/1 an extent of 1.33 acres in Rayappannur Village, Chinna Salem Taluk, Villupuram District.

For petitioner : Mr. T. Mohan
for M/s. K. Balakrishnan

For respondents : Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 Questioning the communication dated 01 July 2015, wherein, the Junior Engineer, Public Works Department, Water Resources Department, Irrigation Section, Chinna Salem, had sent a request to the Sub-Inspector of Police, Chinna Salem Police Station, Villupuram District, to provide police protection while starting the work of removal of encroachment made by the petitioner in Survey No.379/1, the petitioner has come up with the instant writ petition.

3 The learned counsel for the petitioner submits that the petitioner was served with a notice dated 07 May 2008 under Section 6 (1) of the Tamil Nadu Protection of Tanks and Removal of Encroachments Act, 2007, in respect of other survey number, i.e. 379 and the present communication dated 01 July 2015 addressed to the Sub-Inspector of Police, Chinna Salem Police Station, seeking police protection, is with reference to other survey number, i.e., 379/1.

4 The learned Special Government Pleader, on instructions, submits that the survey number has been wrongly mentioned due to a typographical mistake.

5 A typographical mistake in survey numbers makes a sea of difference inasmuch as it goes to the root of encroachment. As such, the communication dated 01 July 2015 is quashed. The authorities are directed to issue a fresh notice and take consequential action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5 The writ petition stands disposed of with the above direction. Costs made easy. Connected Miscellaneous Petition is closed.

-Sd/-
Assistant Registrar(cs-III)

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Sub Assistant Registrar

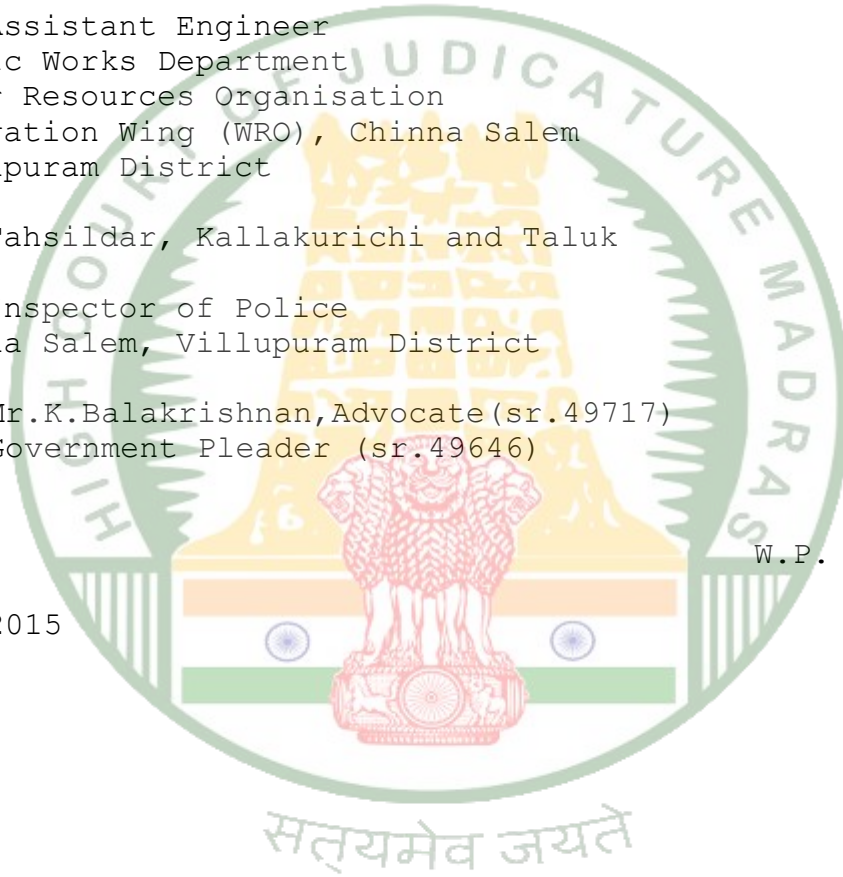
cad

To

- 1 The Secretary
Public Works Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009
 - 2 The District Collector, Villupuram District
 - 3 The Assistant Engineer
Public Works Department
Water Resources Organisation
Irrigation Wing (WRO), Chinna Salem
Villupuram District
 - 4 The Tahsildar, Kallakurichi and Taluk
 - 5 The Inspector of Police
Chinna Salem, Villupuram District
- +1 cc to Mr.K.Balakrishnan, Advocate (sr.49717)
+1 cc to Government Pleader (sr.49646)

sr(co)
cp 29/09/2015

W.P. No.26677 of 2015



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