

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM:

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

W.P. No.28774 of 2015 and M.P. Nos.1 & 2 of 2015

D. Rajendran

Petitioner

vs.

1 The Coastal Aquaculture Authority  
Shastri Bhavan, II Floor  
Shastri Bhavan Annexure  
26, Haddows Road  
Chennai 600 006

2 The District Collector  
Villupuram District

3 The Forest Range Officer  
Tindivanam Forest Range Office  
Villupuram District

4 The Tahsildar  
Office of the Tahsildar  
Marakkanam  
Villupuram District

5 The Village Administrative Officer  
No.221, Nadukuppam Village  
Tindivanam Taluk  
Villupuram District

Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the third respondent i.e., the Forest Range Officer, Tindivanam, Forest Range Office, culminating in Eviction Notice dated 31.08.2015, quash the same and further direct the respondents not to take any coercive steps from evicting the petitioner from the shrimp farm in Survey Nos.1, an extent of 2.00 acres at Nadukupam (East) Village, Marakkanam Union, Villupuram District.

For petitioner Mr. Shriram Panchu, Sr. Counsel  
for Mr. K. Balakrishnan

For RR 2,4 & 5 Mr. N. Sakthivel  
Govt. Advocate

For R3 Mr. N. Inbanathan  
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 2,4 and 5. Mr. N. Inbanathan, learned Government Advocate, accepts notice for respondent 3. With their consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed assailing the notice dated the 31<sup>st</sup> ultimo passed by the Forest Range Officer, Tindivanam Forest Range Office, Villupuram District, under Section 68-A of the Tamil Nadu Forest Act V 1882.

3 The chief contention of the learned Senior Counsel appearing for the petitioner is that the officer who has issued the impugned notice, has no competence to issue the same, as the land in question falls within the territory of some other Forest Range Office.

4 Be that as it may, the impugned notice is in the form of a show cause notice. Thus, it is open to the petitioner to file a representation/explanation to the authority concerned, raising all the issues, including the issue of jurisdiction, if so advised. We make it clear that the officer considering the petitioner's representation/explanation shall advert to all the objections raised by the petitioner while passing final orders and taking action. Needless to state that no coercive action shall be taken till final orders are passed.

5 The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petitions are closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad  
To

- 1 The Coastal Aquaculture Authority  
Shastri Bhavan, II Floor, Shastri Bhavan Annexure  
26, Haddows Road, Chennai 600 006
- 2 The District Collector, Villupuram District
- 3 The Forest Range Officer  
Tindivanam Forest Range Office  
Villupuram District
- 4 The Tahsildar  
Office of the Tahsildar  
Marakkanam, Villupuram District
- 5 The Village Administrative Officer  
No.221, Nadukuppam Village  
Tindivanam Taluk  
Villupuram District

+1 cc to Mr.K.Balakrishnan Advocate sr.49979

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