

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. Nos.28816 and 28817 of 2015 and M.P. Nos.1 & 2 of 2015

Avani Petitioner in WP No.28816 of 2015

D. Ravivarman Petitioner in WP No.28817 of 2015

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 in both the WPs

W.P. No.28816 of 2015:

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 under Section 68-A dated 20.05.2015, 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 in the Kazhuvelli reserve land, Marakkanam Coastal Area, Villupuram District.

W.P. No.28817 of 2015:

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 under Section 68-A dated 13.07.2015, quash the same and further direct the respondents not to take any coercive steps from evicting the petitioner from the shrimp farm in Kazhuveli Forest Land in an extent of 25 acres at Devikulam Village, Marakkanam Union, Villupuram District.

For petitioner Mr. Shriram Panchu, Sr. Counsel
in both the WPs for Mr. K. Balakrishnan

For RR 2,4 & 5 Mr. N. Sakthivel
in both the WPs Govt. Advocate

For R3 Mr. N. Inbanathan
in both the WPs Government Advocate

COMMON 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 petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed assailing the notices dated 20 May 2015 and 13 July 2015 respectively 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 petitioners is that the officer who has issued the impugned notices, has no competence to issue the same, as the lands in question fall within the territory of some other Forest Range Office.

4 Be that as it may, the impugned notices are in the form of show cause notices. Thus, it is open to the petitioners 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 petitioners' representation/explanation shall advert to all the objections raised by the petitioners 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 petitions stand disposed of with the above direction and observation. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Coastal Aquaculture Authority
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- 5 The Village Administrative Officer
No.221, Nadukuppam Village
Tindivanam Taluk
Villupuram District

+1 cc to Mr.K.Balakrishnan, Advocate, sr.49977
+1 cc to Government Pleader, sr.50240

ca co
kra 22/09

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