

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM:

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

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.30654 of 2015 and M.P. No.1 of 2015

P. Dhakshnamoorthy

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

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 3 to 5 not to take any coercive steps from evicting the petitioner from the shrimp farm in Survey No.3 an extent of 1.50 acres at Anumanthai Village, Marakkanam Taluk, Villupuram District.

For petitioner Mr. K. Balakrishnan

For RR 2,4 & 5 Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

For R3 Mr.N. Sakthivel
Govt. Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 2,4 and 5. Mr. N. Sakthivel, 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 31.08.2015 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 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 Petition is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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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
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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.52735
+1 cc to Government Pleader, sr.52887
+1 cc to Special Government Pleader, sr.j52656

W.P. No.30654 of 2015

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