

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2015

CORAM:

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

W.P. Nos.30835 to 30837 of 2015 and M.P. Nos.1 of 2015

Pandian Petitioner in W.P. No.30835 of 2015
Balasubramaniam Petitioner in W.P. No.30836 of 2015
A. Sankar Petitioner in W.P. No.30837 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 all the WPs

Prayer in W.P. No.30835 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 dated 20.05.2015, 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 the Kazhuveli Forest land in Survey No.1 an extent of 4 acres at Anumanthai Village, Marakkanam Union, Villupuram District.

Prayer in W.P. No.30836 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 dated 08.09.2015, 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 the Kazhuveli Forest land an extent of 3 acres at Urani Village, Marakkanam Union, Villupuram District.

Prayer in W.P. No.30837 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 dated 08.09.2015, 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 the Kazhuveli Forest land an extent of 8 acres at Kottikuppam Village, Marakkanam Taluk, Villupuram District.

For petitioner Mr. K. Balakrishnan
in all the WPs

For RR 2,4 & 5 Mrs. A. Srijayanthi
in all the WPs Special Govt. Pleader

For R3 Mr. M.K. Subramaniam
in all the WPs Special Government Pleader - Forest

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 2,4 and 5. Mr. M.K. Subramaniam, learned Special Government Pleader (Forest), accepts notice for respondent 3. With the consent of the learned counsel for the petitioners, learned Special Government Pleader appearing for respondents 2,4 and 5 and also the learned Special Government Pleader (Forest) appearing for the third respondent, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed assailing the notices dated the 20 May 2015, 08 September 2015 and 08 September 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 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 notice. Thus, it is open to the petitioners to file representation/explanation to the authority concerned, raising all the issues, including the issue of jurisdiction, if so advised, within a period of two weeks. 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 It is also made clear that this order may not be understood that the authorities are not obligated to take consequential action, after finding that there is encroachment. The intent of this order is only to afford an opportunity of hearing to the alleged encroachers. After representations are made by the petitioners within the time-frame, as indicated above, the authorities are directed to consider the same and take consequential action within a period of two weeks and submit a report to the Registry of this Court.

6 The writ petitions stand disposed of with the above observations. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

सत्यमेव जयते

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

WEB COPY

- 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

Copy to:

The Section Officer,

Writ Section, High court, Madras.

(For watching the Report and Post after 4 weeks)

+2 ccs M/s.K.Balakrishnan, Advocate, sr.53162 & 53163

+1 cc to The Special Govt.Pleader, (F), sr.52989

+1 cc to The Government Pleader, sr.53715

W.P. Nos.30835 to 30837 of 2015

mp co

kra 12/10



WEB COPY