

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM:

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

W.P.No.32663 of 2015
and
M.P.Nos.1 & 2 of 2015

Marakkanam Aqua Farmers Associations,
Reg. No.94 of 2015,
Anumanthai Village and Post,
Marakkanam,
Villupuram District,
rep. By its Preident,
D. Rajendran ...Petitioner

Vs

- 1 The District Collector,
Villupuram District.
- 2 The Forest Rangerm
Forest Range Officem Tindivanamm
Villupuram District.
- 3 The Divisional Engineer,
Tamilnadu Electricity Board,
Tindivanam.
- 4 The Tahsildarm
Office of the Tahsildar,
Marakkanam ,
Villupuram District.
- 5 The Coastal Aquaculture
Authority,
Shastri Bhavan,
NO.26 Haddows Road, Chennai-6.
- 6 Superintending Engineer,
Tamilnadu Electricity Board,
Villupuram District. ...Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the 2nd and 3rd respondents i.e., Forest Range Officer, Tindivanam, Villupuram District and The Tahsildar, Marakkanam, Villupuram District not to evict the petitioner members in Survey Nos.1, 5/5, 5/9, 5/10, 119/4 198/1, 681/1, 681/2, 682, 658, 651, 614, 618/1, 616/1, 614/4, 643, 644, 645/2 and 655 at Nadukuppam, Anumanthai Oorani, Devikulam Village, Marakkanam Taluk.

For Petitioner : Mr. S. Prabakaran
for Mr. K. Balakrishnan

For Respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader RR1,3 & 4

Mr. N. Inbanathan
Govt. Advocate - R2

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Mr.P.S.Sivashnamugasundaram, learned Special Government Pleader, accepts notice for the respondents 1, 3 and 4. Mr.N. Inbanathan, learned Government Advocate, accepts notice for the second respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This is a petition filed by the alleged members of the petitioner-association stating that they are in occupation of about 5 acres in different survey numbers. It is not specified in the affidavit accompanying the writ petition as to what is the extent of area and which survey number is occupied by which individual. On the basis of this vague petition, an omnibus order is sought to restrain the authorities from taking any action.

3. Learned counsel for the petitioner-association has brought to our notice that a representation was made by the petitioner-association on 7 October 2015. Thus, a direction may be issued to consider the said representation and restrain the authorities from evicting the members of the petitioner association, till a final decision is taken on their representation.

4. On a perusal of the petitioner's representation referred to above, it is noticed that even the said representation is vague and it is not clear as to whether any notice has been served on any individual, calling upon him to vacate the encroachment. The petitioner association seeks an order to stall the proposed eviction by the authorities. We are not inclined to pass any order, at this stage. It is open to the authority concerned to take a decision in accordance with law, on its merit of individual cases.

This writ petition is dismissed accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ra.
To

- 1 The District Collector,
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- 6 The Superintending Engineer,
Tamilnadu Electricity Board,
Villupuram District.

+1cc to Mr.K. Balakrishnan, Advocate, S.R.No.56170
+1cc to the Government Pleader, S.R.No.56661
+1cc to Special Government Pleader Sr.55884

KSJ(CO)
EU(27/10/2015)

W.P. No. 32663 of 2015