

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.32666 of 2015
and
M.P.No.1 of 2015

R.J. Selvanayagam ... Petitioner

Vs

Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Irrigation Division,
Kallakurichi 606 202. ... Respondent

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of certiorarified mandamus calling for the records of the respondent pertaining to the proceedings dated 10.09.2015 in Form III and quash the same and consequently forbear the respondent from interfering with the petitioner's possession of the property situate Survey No.232/12, Thenkeeranur, Kallakurichi Taluk.

For Petitioner : Mr.S. Sriram Narayanan

For Respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

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

Mr.P.S.Sivashnamugasundaram, learned Special Government Pleader, accepts notice for the 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. Questioning the correctness of the impugned notice dated 10 September 2015 issued under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, the petitioner has come up with this writ petition.

3. According to the petitioner, he is a lawful owner of the land in question. He further submits that the impugned notice dated 10 September 2015 has been issued without proper survey, as contemplated under the provisions of law. Thus, the said notice be quashed.

4. Per contra, the learned Special Government Pleader, appearing for the respondent submits that the said notice is a preliminary notice followed by a proper survey on consideration of the petitioner's representation and as such, no cause of action has arisen at this stage.

5. We have examined the relevant documents filed along with the writ petition. On a perusal of the same, it is noticed that pursuant to the impugned notice dated 10 September 2015, the petitioner has already made a representation on 30 September, 2015. Thus, the authorities are obliged to consider the petitioner's representation dated 30 September, 2015, on its own merits and in accordance with law, make proper survey and take consequential action, if necessary.

6. With the aforesaid observation, this writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

ra.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Irrigation Division,
Kallakurichi 606 202.

+ 1 cc to M/s.P.Valliappan, Advocate SR 56264

+ 1 cc to Govt.Pleader SR 56656

rsi(co)
prk27/10

W.P. No. 32666 of 2015