

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

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

W.P. No.14699 of 2015 and 2W.M.P. No.12851 of 2016

R. Vijayaraghavan

Petitioner

vs.

- 1 The Member Coordinator,
Assistant Director,
Fisheries,
District Level Committee,
Villupuram.
- 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 mandamus directing the 3rd respondent i.e. The Forest Range Officer, Tindivanam Forest Range Office, Villupuram District, not to take any coercive steps from evicting the petitioner from the shrimp farm in Survey No 680/2 an extent of 0.50 cents in Nadukuppam Village, Marakkanam Taluk, Villupuram District in pursuance of the enquiry notice in Na.Ka.No.42/2014, dated 05.12.2015 issued to the petitioner.

For petitioner	Mr. K. Balakrishnan
For RR 1,2,4 & 5	Mr. P.S.Sivashanmugasundaram Spl. Govt. Pleader
For R3	Mr. N. Inbanathan Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1,2,4 and 5. Mr.N.Inbanathan, 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 Seeking a direction to the third respondent not to take any coercive steps for evicting the petitioner from the shrimp farm in Survey No 680/2 to an extent of 0.50 cents in Nadukuppam Village, Marakkanam Taluk, Villupuram District in pursuance of the enquiry notice in Na.Ka.No.42/2014, dated 05 December 2015, the instant writ petition is filed by the petitioner.

3 From a perusal of the records, it is seen that the petitioner was issued with a show cause notice under Section 68-A of the Tamil Nadu Forest V Act, on 20 May 2015. In response to the said notice, the petitioner has already submitted his reply on 01 September 2015. Pursuant thereto, the petitioner was called upon to appear for enquiry before the third respondent on 09 December 2015 at 3.00 p.m. Again, the petitioner made a representation dated 20 December 2015 seeking one month time to appear before the third respondent to put forward his case. But, the said representation is still pending without any order being passed. Thus, the present writ petition, seeking the aforesaid relief.

4 According to the learned Government Advocate appearing for the third respondent, the petitioner's aforesaid representation would be considered on its own merits and in accordance with law, before passing final orders.

5 In view of the aforesaid submission of the learned Government Advocate, it is ordered accordingly. Needless to state that no consequential action shall be taken without a proper order being passed under the provisions of law. 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 consequential action, if need be.

6 The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1 The Member Coordinator,
Assistant Director,
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1 cc to Government Pleader, Sr. 24689
1 cc to Mr.K. Balakrishna, Sr. 24689

W.P. No.14699 of 2016

NR(CO)
kk 5/5