

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.18646 to 18649/2016

&

WMP.Nos.16314 to 16317/2016

M/s.Radhapriya Properties Pvt Ltd.,
rep.by Authorised Signatory Mr.Arun Bhagat
Regd.Office at Plot No.59, VG Towers, 1st Floor
Rayakottai Main Road, Hosur,
Krishnagiri District.635 139 ..

Petitioner in
WP.No.18646/2016

M/s.Padmapriya Properties Pvt Ltd.,
rep.by Authorised Signatory, Mr.Arun Bhagat
Regd.Office at Plot No.59, VG Towers, 1st Floor
Near EB Office
Rayakottai Main Road, Hosur,
Krishnagiri District. 635 139 ..

Petitioner in
WP.No.18647/2016

M/s.Honey Suckle Properties Pvt Ltd.,
rep.by Authorised Signatory, Mr.Arun Bhagat
Regd.Office at Plot No.59, VG Towers, 1st Floor
Rayakottai Main Road, Hosur,
Krishnagiri District.635 139 ..

Petitioner in
WP.No.18648/2016

M/s.GMR Industrial City Pvt Ltd.,
rep.by Authorised Signatory, Mr.Arun Bhagat
Regd.Office at Plot No.59, VG Towers, 1st Floor
Rayakottai Main Road, Hosur,
Krishnagiri District.635 139 ..

Petitioner in
WP.No.18649/2016

Versus

1.The Principal Secretary to Government
State of Tamil Nadu, Public Works Dept.,
Fort St George, Chennai 600009.

2.The Principal Secretary to Government
State of Tamil Nadu, Department of Revenue
Fort St George, Chennai 600009.

3.The Executive Engineer
Water Resource Organization
Public Works Department
Upper Pennaiyar Basin Division
Dharmapuri.

4.The District Collector
Krishnagiri, Collectorate, Hosur Salai
Krishnagiri-635115.

5.The District Revenue Officer
Krishnagiri, Collectorate, Hosur Salai
Krishnagiri 635 115.

6.The Tahsildar,
Shoolagiri Taluk, Krishnagiri District. .. Respondents
in all the writ petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of mandamus forbearing the respondents, their men, agents, servants, employees or anyone working under or through them from in any manner seeking to interfering with the petitioners' peaceful possession and enjoyment of its land comprised in Survey Nos.291/1, 304/1A and 308/5, Maruthandapalli Village, Shoolagiri Taluk, Krishnagiri District, without following the due process of law, including the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and without payment of compensation in terms of the petitioners' representations dated 28.03.2016.

For Petitioners in
all the writ petitions : Mr.Rahul Balaji

For R1 to R6 in all
the writ petitions : Mr.R.Govindasamy,
Special Govt Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2 The grievance expressed by the petitioners in all the above writ petitions is that they are the owners in lawful possession and enjoyment of the lands comprised in Survey Nos.291/1, 304/1A and 308/5, Maruthandapalli Village, Shoolagiri Taluk, Krishnagiri District and the 3rd respondent without recourse to law, suddenly started cutting a trench for putting up a canal to connect the water bodies and the said act has been done even without recourse to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013, and the said illegal act has also been brought to the knowledge of the respondents vide the representation of the petitioner dated 28.03.2016 and without disposing of the said representations, the 3rd respondent is hurriedly proceeding to interfere with the lawful and peaceful possession of the petitioners' lands and therefore, came forward to file the above writ petitions.

3 The learned counsel for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that the petitioners have purchased the said lands through registered Sale Deeds dated 25.02.2008., 10.02.2011, 29.03.2011, 09.09.2014, 18.09.2014 and 18.09.2014 and despite the fact that they are the owners of the lands in question, the respondents, more particularly, the 3rd respondent, without recourse to law, has trespassed upon the petitioners' lands and started making trench for the purpose of putting up a canal and the same is illegal and prays for appropriate orders.

4 Per contra, Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents in all the writ petitions, would submit that since Dharmapuri District is always water starved, in order to redress the grievance of the local public, a decision has been taken to connect the water bodies and after following due process of law only, steps are being taken to put up a canal and prays for dismissal of the writ petitions.

5 This Court carefully considered the rival submissions.

6 A perusal of the materials would prima facie disclose that the petitioners are the owners of the land by virtue of the above registered Sale Deeds and no notice whatsoever has been issued / no opportunity has been afforded to the petitioners to put forth their views before the 3rd respondent started cutting trench for the purpose of putting up a canal. It is also a well settled position of law that even an encroacher is entitled to get a notice before his eviction.

7 Though the petitioners have prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the 4th respondent to consider and dispose of the petitioners' representations dated 28.03.2016 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order, after providing an opportunity of personal hearing to the authorised representative of the petitioners' companies and till the disposal of the said representations, the respondents shall defer any further decision for digging up any trench for the purpose of putting up a canal/connecting water bodies.

8 The writ petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Principal Secretary to Government
State of Tamil Nadu, Public Works Dept.,
Fort St George, Chennai 600009.
 - 2.The Principal Secretary to Government
State of Tamil Nadu, Department of Revenue
Fort St George, Chennai 600009.
 - 3.The Executive Engineer
Water Resource Organization
Public Works Department
Upper Pennaiyar Basin Division
Dharmapuri.
 - 4.The District Collector
Krishnagiri, Collectorate, Hosur Salai
Krishnagiri-635115.
 - 5.The District Revenue Officer
Krishnagiri, Collectorate, Hosur Salai
Krishnagiri 635 115.
 - 6.The Tahsildar,
Shoolagiri Taluk, Krishnagiri District.
- 1 cc to Government Pleader, Sr. 29514
4 ccs to Mr. Satish Parasaran, Advocate, Sr. 29329

W.P.Nos.18646 to 18649/2016

NRJK (CO)
kk 13/6