

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.01.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.SATHYANARAYANAN

W.P.No.33578 of 2015
and W.P.Nos.30241 to 30243 of 2015
and M.P.Nos.1 of 2015 (4 Petitions)

Kumaravel Petitioner in W.P.No.33578
of 2015
Poyyamozhi Petitioner in W.P.No.30241
of 2015
Pandurangan Petitioner in W.P.No.30242
of 2015
Kumaran Petitioner in W.P.No.30243
of 2015

versus

1.The Coastal Aquaculture Authority
Shastri Bhavan,
II Floor, Shastri Bhavan Annexure,
26, Haddows Road,
Chennai 600 006.

2.The District Collector,
Villupuram.

3.The Forest Range Officer,
Tindivanam Forest Range Office,
Villupuram District.

4.The Tahsildar,
Marakkanam,
Villupuram District.

5.The Village Administrative Officer,
No.221, Nadukuppam Village,
Tindivanam Taluk,
Villupuram District.

... Respondents in all W.Ps

W.P.No.33578 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified mandamus, calling for the records of the 3rd respondent i.e., the Forest Ranger Officer, Tindivanam Forest Range Office, culminating in eviction notice dated 31.08.2015, 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 S.No.1, an extent of 7 acres at Markkanam Village, Markkanam Taluk, Villupuram District.

W.P.No.30241 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified mandamus, calling for the records of the 4th respondent i.e., Tahsildar, Marakkanam, culminating in A2/852/2015 dated 21.08.2015, 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 S.Nos.628/1, 630/2, 630/3, 629/2 and 627 an extent of 2.40 acres at Nadukuppam (East) Village, Marakkanam Union, Villupuram District.

W.P.No.30242 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified mandamus, calling for the records of the 4th respondent i.e., Tahsildar, Marakkanam, culminating in A2/852/2015 dated 21.08.2015, 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 S.Nos.679.2, an extent of 0.67.5, 658 an extent of 0.20.0 acres at Nadukuppam (East) Village, Marakkanam Union, Villupuram District.

W.P.No.30243 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified mandamus, calling for the records of the 4th respondent i.e., Tahsildar, Marakkanam, culminating in A2/852/201 dated 21.08.2015, 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 S.Nos.597/1, extent of 0.29.5, 597/2, 0.29.0, 597/6, 0.09.0, 597/7, 0.10.5, 598/3, and 075.5 acres at Nadukuppam (East) Village, Marakkanam Union, Villupuram District.

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For Petitioner ::: Mr.K.Balakrishnan in all WPs.
For Respondents ::: Mr.S.T.S.Murthi
Government Pleader assisted by
Mr.V.Shanmugasundar
Government Advocate
for R.1, R.2, R.4 and R.5
in all WPs.
Mr.M.K.Subramanian
Special Government Pleader for R.3
in all WPs

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

These public interest litigations have been filed against encroachment of land and shrimp farming having been carried out in canal forest land. The petitioners before us are enjoying interim relief, as they were aggrieved by the show cause notices issued by the authorities concerned and apprehend dispossession.

2. There has been subsequent change of circumstances on account of nature as flooding of the area due to monsoon, prevented the activity from going on as rain accumulated decreasing salinity.

3. The affidavit filed by the 5th respondent has categorically stated that as on date, no prawn culture activity is in progress and that the area is submerged in water. The shrimp farming is stated to be in water catchment area of Buckingham Canal (South end) and not only the area is marooned, but restarting any prawn culture activity is not possible for at least three months. The affidavit stated that all steps have been taken to ensure that prawn culture activity does not re-start.

4. The affidavit also points out that the objections to the notices have been dealt with and that will also be the fate of the remaining applications. In fact, three weeks' time had been granted earlier as a measure of interim protection to facilitate the disposal of the objections.

5. The position today is that no prawn culture is on, the petitioners have extended themselves beyond their alleged patta area to carry on that activity and thus, the revenue authorities have to demarcate and ensure that the petitioners confine themselves to their area and that too, not for prawn culture activity. Naturally, till this work is over, the petitioners cannot be dispossessed.

6. The writ petitions accordingly stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

ksr
Copy to:

1.The Coastal Aquaculture Authority,
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5.The Village Administrative Officer,
No.221, Nadukuppam Village,
Tindivanam Taluk,
Villupuram District.

+4 ccs to Mr.K.Balakrishnan Advocate sr.5103 to 5106

सत्यमेव जयते

W.P.No.33578 of 2015
and

W.P.Nos.30241 to 30243 of 2015

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