

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.28418 of 2016

and WMP.No.24538 of 2016

1 V.Subathra ...Petitioner

Vs.

1 The District Collector
Thiruvallur District
Thiruvallur.

2 The Deputy Tahsildar
Saidapet, Chennai-600 015.

3 The Junior Engineer
Irrigation Section
Cholavaram (WRO)
Red Hills
Chennai-600 052.

4 The Section Officer
Water Resource Department
Irrigation Section
Red Hills
Chennai-600 052

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned eviction notice number in K-11/B.A./2016/15/07/2016 of the 4th Respondent, dated 15.07.2016 and quash the same and consequently direct the respondents not to evict the Petitioner from Survey No.567 of Thirumullaivoyal Village, Avadi Taluk, Thiruvallur District.

For Petitioner : Mr.A.Anilan

For Respondents : Mr. R.Prathapkumar
Additional Government Pleader

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.A.Anilan, learned counsel for the Petitioner and Mr.R.Prathapkumar, learned Additional Government Pleader accepting notice for the respondents.

2. Pursuant to the Eviction Notice dated 15.07.2016, passed by the 4th respondent, directing the petitioner to remove the encroachment made in Survey No.567 of Thirumullaivoyal Village, Avadi Taluk, Thiruvallur District, within a period of 21 days of the said Notice, she is before this court, raising grounds that the land is classified as Natham Poramboke and the respondents, without following the procedure laid down in the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, issued the said notice.

3. In order to give one more opportunity to the petitioner to substantiate her claim that she is the absolute owner of the property, we hereby direct the authorities concerned, to survey the land mentioned in the Notice dated 15.07.2016, at the cost of the petitioner and thereafter, identify/earmark the boundaries and take action in accordance with law.

4. The respondents/Authority, shall conduct survey on payment of necessary fees by the petitioner, which shall be made by the petitioner on or before 29.08.2016. In the event of any encroachment made by the petitioner is identified by the respondent/authority, the petitioner herself shall remove those encroachments as per the Notice already issued to her, on or before 31st August 2016, failing which, the authority is directed to remove the encroachments as per the survey report.

5. The Writ Petition is disposed of accordingly. No costs. Consequently connected MP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

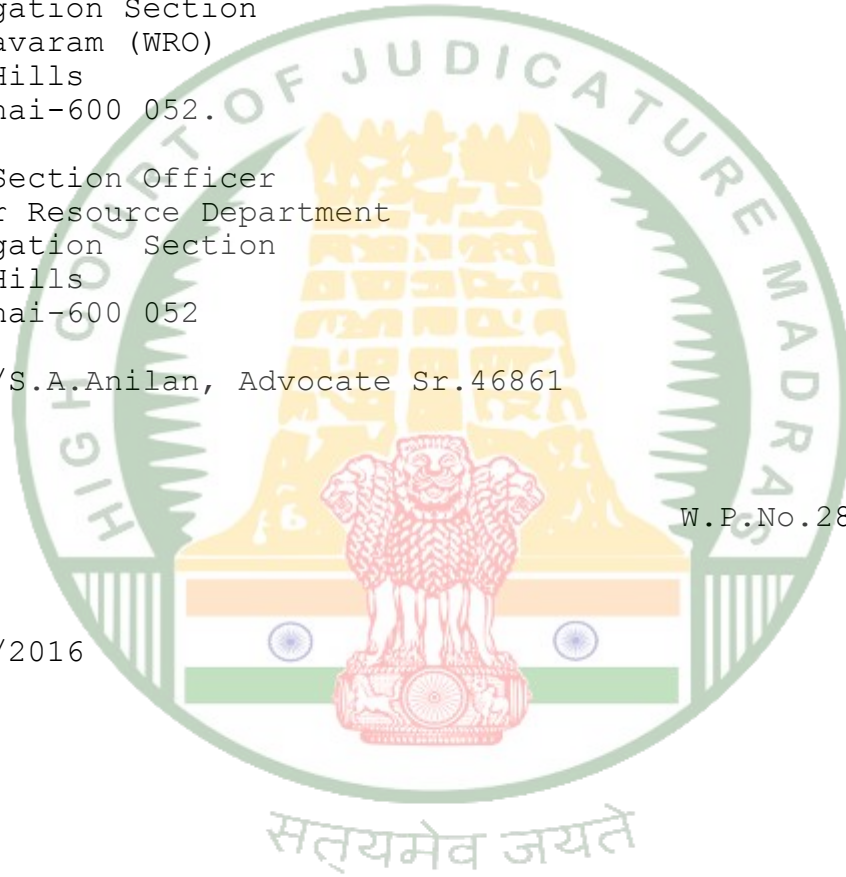
To

- 1 The District Collector
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- 4 The Section Officer
Water Resource Department
Irrigation Section
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+1cc to M/S.A.Anilan, Advocate Sr.46861

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srg 26/08/2016

W.P.No.28418 of 2016



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