

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.Nos.3062 & 3063 of 2016
and
W.M.P. Nos. 2513 & 2514 of 2016

P. Jayaraman ... Petitioner
(In WP No.3062/2016)

M. Subramani ... Petitioner
(In WP No.3063/2016)

Vs

1. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai. 600 009.
2. The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Vandavasi 604 408.
3. The Tahsildar,
Vandavasi Taluk, Vandavasi,
Thiruvannamalai District.
4. S. Viswanathan ... Respondents
(In both W.Ps.)

Writ petitions filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus forbearing the respondents from evicting the petitioners from their house and land situated in S.No. 271/1, Kizhkodungallur Village, Vandavasi Taluk, Thiruvannamalai District till the disposal of the W.P. No. 1294 of 2009.

For Petitioner/s : Mr. C. Prakasam

For Respondents : Mr. P.S.Sivashanmugasundaran
Spl. Govt. Pleader - R1 to R3
Mr. P. Mani - R4

COMMON ORDER

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

Heard the learned counsel for the petitioners and the learned counsel for the respondents. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2. The petitioners seek a direction to the respondents to deal with their encroachment in accordance with law.

3. The issue of removal of encroachments on the water bodies came up for consideration in W.P.No. 1294 of 2009, wherein, a direction was given by a Full Bench of this Court vide order dated 30.10.2015, as under:-

"In the light of the above, we answer the reference on the following terms:-

The provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, does not in any manner dilute the observations/ directions issued in L.Krishnan Vs. State of Tamil Nadu reported 2005-3-L.W.313 = 2005 (4)CTC 1, as quoted with the approval by the Hon'ble Supreme Court in Jagpal Singh vs. State of Punjab, reported in 2001-3-L.W. 17 = (2011) 11 SCC 396, and the observations contained in paragraph 20(d)(e) of the judgment of the Division Bench in T.S.Senthil Kumar - Vs. - Government of Tamil Nadu, reported in 2010-3-MLJ 771 and that the tanks which do not fall within the purview of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, also require protection from encroachment and any encroachment made in such tanks or water bodies have to be removed by following the provisions of the Tamil Nadu Land Encroachment Act, 1905."

4. Learned Special Government Pleader appearing for the official respondents submits that a public notice was issued on 05.02.2013 and the same was also displayed at the Public Works Department Office and other places. Thus, the petitioners have been given due opportunity of hearing. The case of the petitioners has been examined fully. However, if the petitioners feel that one more opportunity be given to them, they may be granted one week time from today to make further representation and thereafter, the second respondent will take a decision with regard to removal of the encroachment, in accordance with law.

5. In view of the above submission made by the learned Special Government Pleader, it is ordered accordingly.

With the above observations, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar
ra.

To

1. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai. 600 009.
2. The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Vandavasi 604 408.
3. The Tahsildar,
Vandavasi Taluk, Vandavasi,
Thiruvannamalai District.

+2cc's to Mr.C. Prakasam, Advocate, S.R.No.17489
+1cc to the Government Pleader, S.R.No.17151

W.P. Nos. 3062 & 3063 of 2016

SCD(CO)
CA(18/03/2016)

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