

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.33427 to 33430 of 2016
and W.M.P.Nos.28858 to 28865 of 2016

Fathimabee .. Petitioner in WP.33427/2016
A.Salam Basha .. Petitioner in WP.33428/2016
A.Hasian .. Petitioner in WP.33429/2016
S.Sheik Kasim .. Petitioner in WP.33430/2016

-vs-

- 1.The District Collector,
District Collectorate, Villupuram.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Villupuram.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Villupuram.
- 4.The Tahsildhar,
Office of Thasildhar,
Sankarapuram.
- 5.The Village Administrative Officer,
Melsiruvallur Village & Post,
Sankarapuram Taluk,
Villupuram District.
- 6.The Assistant Engineer (PWD),
Public Works Department/Water Dept.,
Mungilthuraipattu Village & Post,
Sankarapuram Taluk,
Villupuram District.

.. Respondents

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 6th respondent pertaining to the Notice dated 29.07.2016 issued under Rule 16(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 and quash the same and consequently forbear the respondents, their men, representatives and agents from interfering with the petitioner's possession and enjoyment of the aforesaid property situate in Survey No.102/4A2, Melsiruvalur Village, Sankarapuram Taluk, Villupuram District.

For Petitioners : Mr.P.Valliappan

For Respondents : Mr.T.N.Rajagopalan
Spl.G.P.

* * * * *

O R D E R

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

The area occupied by the petitioners being a tank, there can be really no substance in the challenge to the notice issued to them on 29.07.2016 in Form III under Rule 6 (1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 (hereinafter referred to as 'the said Rules') framed under powers conferred under Section 13 (1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (hereinafter referred to as 'the said Act').

2.The only plea of the petitioners is that these persons have been occupying the area for quite some time without any alternative means of habitation.

3.In view of the aforesaid, we direct the respondent authorities to examine the issue of rehabilitation of the persons based on their eligibility within a period of three (3) months from today. Beyond this no direction can be issued in the present petitions nor is the challenge to the impugned notice under Rule 6 of the said Rules in Form III sustainable.

4.Writ petitions are, accordingly, disposed of in terms aforesaid. No costs. Consequently, W.M.P.Nos.28858 to 28865 of 2016 stand closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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Mungilthuraipattu Village & Post,
Sankarapuram Taluk,
Villupuram District.

+4 ccs to Mr.P.Valiappan Advocate sr 59071

+1 cc to Government pleader sr 58861

WP.No.33427 to 33430 of 2016

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