

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.41010 of 2016

Settu @ Karuppannan

.. Petitioner

-vs-

- 1.The District Collector,
Salem District, Salem.
- 2.The Superintending Engineer,
PWD, WRD (Trichy Region),
Asthampatty, Salem-7.
- 3.The Executive Engineer,
Public Works Department, WRD Irrigation,
Mettur Dam, Mettur, Salem District.
- 4.The Assistant Executive Engineer,
Public Works Department PWD (Irrigation),
Omalur, Salem District.
- 5.The Tahsildar,
Omalur Taluk, Salem District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of eviction dated 04.11.2016 passed by the fourth respondent, quash the same and consequently forbear the respondents, their men and subordinates or any other persons claiming through them from evicting the petitioner from the land bearing S.No.89/1 - 0.0200.0 sq. mtrs in T.Maramangalam Village, Omalur Taluk, Salem District, forcibly without following the due process of law.

For Petitioner : Mr.D.Baskar
for M/s.R.Thamaraiselvan

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader

ORDER

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

The petitioner is aggrieved by the impugned order of eviction dated 04.11.2016 passed by the Assistant Executive Engineer, Public Works Department (Irrigation)/respondent No.4 in respect of the land bearing Survey Number 89/1 measuring 0.0200.0 Sq. metres in T.Maramangalam Village, Omalur Taluk, Salem District.

2. The matter was listed yesterday when we found that there was a discrepancy between the English translation of the order in Tamil and the learned counsel for the petitioner took time to file the correct translation. The translation now filed is once again incorrect, as it does not mention that it is Eari land with house and hotel construction thereon. The translation purports to give an impression as if it is "land".

3. A certified copy of 'A' Register has been produced by the Special Government Pleader, which shows in so far as the land in question is concerned, it is not a poramboke land, but Eari land. In case where it is a poramboke land, it is so entered, while in case of Eari land, it is in "dotted" in all cases, including of the petitioner. In view of the Full Bench judgment of this Court in T.K.Shanmugam, Secretary, C.P.I. (M) North Chennai District Committee, 52, Cooks Road, Perambur, Chennai-600 011 v. The State of Tamil Nadu, rep. by its Secretary to Govt., Department of Revenue, Fort St. George, Chennai-600 009 and others, reported in 2015-5-L.W. 397, there can be no question of encroachment on the water bodies and the present encroachment being one of that nature, as it is Eari land, we can find no fault with the impugned order.

4. The writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Salem District, Salem.

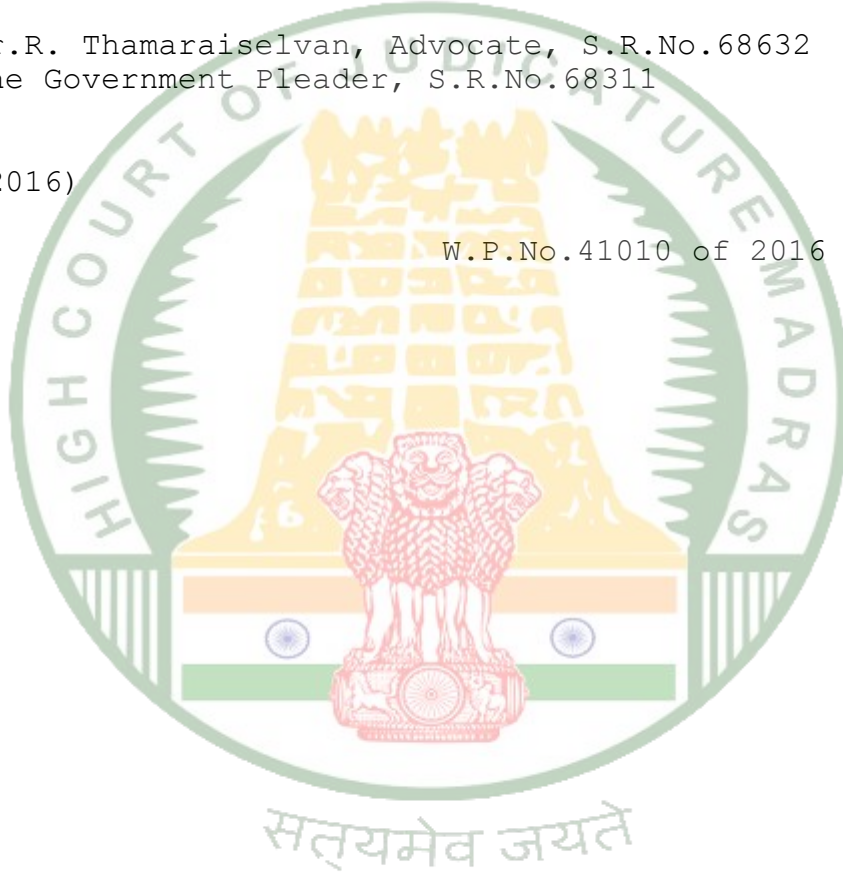
- 2.The Superintending Engineer,
PWD, WRD (Trichy Region),
Asthampatty, Salem-7.
- 3.The Executive Engineer,
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Mettur Dam, Mettur, Salem District.
- 4.The Assistant Executive Engineer,
Public Works Department PWD (Irrigation),
Omalur, Salem District.
- 5.The Tahsildar,
Omalur Taluk, Salem District.

+1cc to Mr.R. Thamaraiselvan, Advocate, S.R.No.68632

+1cc to the Government Pleader, S.R.No.68311

gj(CO)
md(05/12/2016)

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