

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.43339 to 43345 of 2016

and W.M.P.Nos.37205 to 37218 of 2016

V.Subramani .. Petitioner in WP.43339/16
B.Soori .. Petitioner in WP.43340/16
R.Murugesan .. Petitioner in WP.43341/16
A.Gnanavel .. Petitioner in WP.43342/16
Shadik Basha .. Petitioner in WP.43343/16
Joyee .. Petitioner in WP.43344/16
M.Natarajan .. Petitioner in WP.43345/16

-vs-

- 1.The District Collector,
Kanchipuram District.
- 2.The Thasildar,
Pallavaram Taluk Office,
Kanchipuram District.
- 3.The Assistant Engineer,
Public Works Department,
W.R.D. Adayar Irrigation Work,
St. Thomas Mount, Chennai.
- 4.The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai. .. Respondents in all the WPs

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order of the 3rd respondent in proceedings Number Nil dated 2.11.2016 and quash the same and further forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of his property situated at Survey No.136, Survey No.136, Anagaputhur, Pallavaram Taluk, Kanchipuram District in WP.43339/16, 43342/16, 43349/16, Survey No.136, Santhi Nagar, in WP.43345/16, Survey No.181, Dobikena Street, Mookambikai Nagar, Anagaputhur, Pallavaram Taluk, Kanchipuram District in

WP.43340, 43341/16, Survey No.178, Thai Moogambigai Nagar, Pallavaram Taluk, Kanchipuram District in WP.43343, 43344/16 Anagaputhur, Pallavaram Taluk, Kanchipuram District and for consequential relief thereof.

For Petitioner : Mr.V.T.Balaji
For Respondents : Mr.M.K.Subramanian
Govt. Pleader for RR 1 to 3
: Mr.N.Sampath for R-4
* * * * *

COMMON ORDER

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

The learned Government Pleader concedes that the process of enquiry as envisaged in the judgment of the Division Bench in T.S.Senthil Kumar v. The Government of Tamil Nadu and others, (2010) 3 MLJ 771, has admittedly not been followed in the present cases. He, however, submits that the scope of enquiry is limited to the extent that whether it is patta land and/or whether it is a water body.

2. It is nobody's case that pattas have been issued in respect of these lands. Thus, the scope of enquiry is limited to the extent of whether the area is a water body and covered under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 or not.

3. Thus, it is agreed that the notices impugned in the present writ petitions, which have been received by the individual petitioners, will be treated as a notice to show cause and they may file their reply within fifteen days with material to establish that the area in question is not a water body covered under the provisions of the said Act. An enquiry would be held and thereafter appropriate orders passed by the competent authority within a maximum period of one month thereafter. Naturally, till the enquiry is not completed, no coercive process will be taken and in case the verdict is against the petitioners, for a period of two weeks after communication of the order to the petitioners.

4. These petitions stand disposed of accordingly. No costs. Consequently, W.M.P.Nos.37205 to 37218 of 2016 are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector, Kanchipuram District.
- 2.The Thasildar,
Pallavaram Taluk Office, Kanchipuram District.
- 3.The Assistant Engineer,
Public Works Department, W.R.D. Adayar
Irrigation Work, St. Thomas Mount, Chennai.
- 4.The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai.

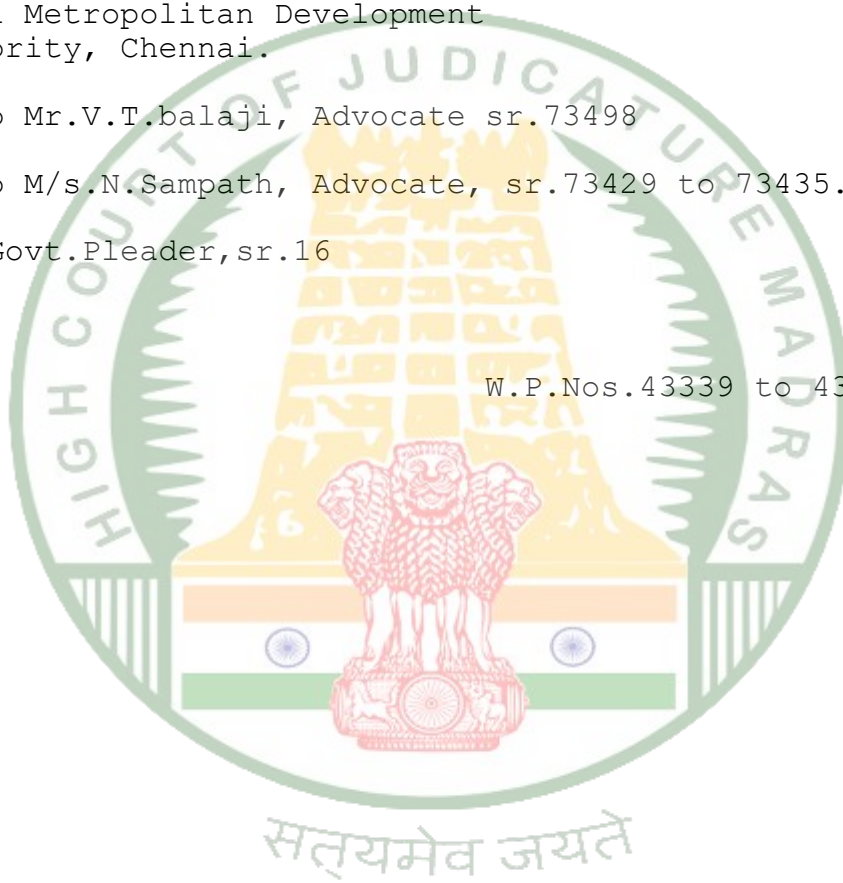
+7 cc's to Mr.V.T.balaji, Advocate sr.73498

+7 cc's to M/s.N.Sampath, Advocate, sr.73429 to 73435.

+1 cc to Govt.Pleader,sr.16

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