

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.43588 of 2016

S.Kumar

.. Petitioner

-vs-

1.The District Collector,
Villupuram.

2.The Assistant Engineer,
Public Works Department,
Irrigation Division,
Vedoor Dam,
Tindivanam Taluk,
Villupuram District -6065 652.

3.The Tahsildar,
Tindivanam Taluk,
Villupuram District.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the second respondent dated 22.09.2016 issued under Section 6(1) of the Tamil Nadu Land Encroachment Act, 1905 and quash the same and consequently issue a mandamus directing 2nd and 3rd respondents not to in any manner interfere with the peaceful possession of the properties belonging to the petitioner measuring 7 acres situated in S.No.218/2 in Padirapuliyur village, Tindivanam Taluk, Villupuram District other than by invoking the due process of law for the purpose of eviction.

For Petitioners : Mr.S.Baskaran

For Respondents : Mr.T.N.Rajagopalan
Spl. G.P. for R1 to R3

* * * * *

ORDER

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

On hearing the learned counsel for parties, it emerges that the petitioner has no right over the land, in respect of which notice had been issued in the form of Form-III under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Rule, 2007. The only prayer made is that since the petitioner is cultivating the crops, he may be given time to harvest the crop and he will undertake to handover the vacant peaceful possession after the same (paragraph 9 of the affidavit filed in support of the writ petition).

2. We are, of the view that the petitioner may set out the specific time period, within which he would vacate and hand over the vacant possession and file an undertaking with the concerned authorities and if he does so within three days, the authorities will consider the same.

3. The writ petition is disposed of with the aforesaid observations. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Villupuram.

2.The Assistant Engineer,
Public Works Department,
Irrigation Division,
Vedoor Dam,
Tindivanam Taluk,
Villupuram District -6065 652.

3.The Tahsildar,
Tindivanam Taluk,
Villupuram District.

+1 cc to M/s.S.baskaran,advocate,sr.73841

+1 cc to Govt.Pleader,sr.73992

mv(co)
krd 27/12

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