

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.7049 to 7051 of 2016

G. Arulsamy Petitioner in W.P. No.7049 of 2016

R. Kasthuri Petitioner in W.P. No.7050 of 2016

N. Rathinammal Petitioner in W.P. No.7051 of 2016

Vs.

1 The State of Tamil Nadu
represented by its Secretary to the Government
Revenue Department
Fort St. George
Chennai 600 009

2 The District Collector
Erode District, Erode

3 The Assistant Executive Engineer
Lower Bhavani Basin Sub-Division
Modakurichi
Erode District

Respondents in all WPs

Common Prayer:-Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second and third respondents to grant five months' time for vacating the premises by considering the petitioners' mercy petitions dated 15.02.2016 submitted before them.

For petitioners
in all the WPs Ms. K. Jenitha

For respondents Mr. P.S. Sivashanmugasundaram
in all the WPs Spl. Govt. Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents.

2 The petitioners earlier filed W.P. Nos.4038, 4039 and 4051 of 2016, respectively, assailing the notices issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") on the ground that no notice under Section 7 of the Act was issued to them. A Division Bench of this Court, wherein, one of us (M.Venugopal, J.) was a Member, while disposing of the said writ petitions vide order dated 04 February 2016, directed that the impugned notices be treated as show cause notices under Section 7, ibid and granted three weeks' time to the petitioners to put forth their case, besides, directing the authorities to consider the petitioners' reply and take appropriate action on merits and in accordance with law. The Division Bench also observed that if it is found that there is encroachment, necessary steps shall be taken for removal of the same.

3 The learned counsel for the petitioners submits that in the earlier round of writ petitions, three weeks' time was granted to remove the encroachment. However, the encroachments could not be removed. Hence, the instant writ petitions seeking a direction to respondents 2 and 3 to grant five months' time for vacating the premises, by considering the petitioners' mercy petitions dated 15 February 2016.

4 In the course of arguments, we are informed that in respect of the very same subject matter and area, a writ petition being W.P. No.29015 of 2015, seeking a writ of mandamus directing the respondents to take appropriate action to remove the encroachments in and around the canal branching out from Perumpallam Dam as well as in and around the Perumpallam Dam in Surampatti Village, Erode and increase the storage level by raising the dam's bund to appropriate level, was preferred by one T. Ravichandran. The said writ petition was allowed by a Division Bench of this Court vide order dated 19 January 2016, directing the respondents to forthwith take action in respect of the objectionable water course porambokes and submit a compliance report on 04 March 2016.

5 In view of the aforesaid position, no further order is necessary.

Resultantly, these writ petitions stand dismissed. Costs made easy.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary to the Government
Revenue Department
State of Tamil Nadu
Fort St. George, Chennai 600 009
- 2 The District Collector
Erode District, Erode
- 3 The Assistant Executive Engineer
Lower Bhavani Basin Sub-Division
Modakurichi
Erode District

3 ccs to M/.s.A. Malath Devapriyan, Advocate, sr. 12698, 12699,
12700
1 cc to Government Pleader, Sr. 13252

W.P. Nos.7049 to 7051 of 2016

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