

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM

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

W.P. Nos.8070 and 8071 of 2016
and
W.M.P.Nos.7182 and 7183 of 2016

M.Selvaraj ... Petitioner in
W.P.No.8070/2016

M.Rajammal ... Petitioner in
W.P.No.8071/2016

Vs.

1.The District Collector,
Tirupur, Tirupur District.

2.The Sub Divisional Officer,
Amaravathi Basin,
ARP Office, Tirupur District.

3.The Assistant Engineer,
Public Welfare Department/
Water Resources Organisation,
Amaravathi Basin,
Division No.2, Kumaralingam.

4.The Revenue Divisional Officer,
Udumalpet, Tirupur District.

5.The Thasildar,
Maduthkulam Taluk,
Tirupur District.

... Respondents in
both the W.Ps

Petitions filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the order in Notice No.1/KO-21-K dated 12.02.2016 on the file of the third respondent authorities and quash the same and forbearing the respondent authorities from interfering the petitioners agricultural land's

comprised in S.Nos.492/1, 489 and 488, 484 and 485 respectively situated at Kumaralingam Village, Madathukulam Taluk, Udumalpet, Tirupur District.

For Petitioner .. Mr.K.Myilsamy
in both the W.Ps

For Respondents .. Mr.G.Sai Baba,
Govt. Advocate in both the W.Ps

COMMON ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2.Impugning the communications dated 12 February 2016, whereunder, the Assistant Engineer, Public Welfare Department/Water Resources Organisation, Amaravathi Basin, Division No.2, Kumaralingam, issued a direction to remove the encroachment allegedly made by the petitioners, they have come up with these writ petitions.

3.According to the petitioners, they have not made encroachments and the pipelines/fencing have been erected only on the lands legally owned by them. It is further contended that no opportunity of hearing was afforded to the petitioners to place their case before the authorities, before the impugned communications were sent for removal of the alleged encroachments.

4.The learned Government Advocate appearing for the respondents was granted time to seek instructions. On instructions, it is submitted that no opportunity of hearing was afforded to the petitioners, as is evident from the impugned communications. Thus, the impugned communications be treated as show cause notices.

5.The impugned communications were served on the petitioners in the month of February 2016. It appears that no consequential action has been taken till date. Thus we grant two weeks' time to the petitioners to put forward their representation before the third respondent. The third respondent, in turn, shall examine the case and take a reasoned decision and if it is found that there are illegal encroachments, the authorities are competent to take consequential action within a further period of two weeks.

6.With the above observation and direction, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The District Collector,
Tirupur, Tirupur District.
- 2.The Sub Divisional Officer,
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ARP Office, Tirupur District.
- 3.The Assistant Engineer,
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- 4.The Revenue Divisional Officer,
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- 5.The Thasildar,
Maduthkulam Taluk,
Tirupur District.

+1 cc to Mr.K.Myilsamy Advocate sr.15187
+1 cc to Government Pleader Advocate sr.14942

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2016

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