

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SHATRUGANA PUJAHARI

WP.No.30185/2017 & WMP.No.32809/2017

G.V.Dharanivel

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Petitioner

Versus

1.The Assistant Engineer
PWD Water Resources Organization
Adyar Division, St. Thomas Mount
Chennai 600 016.

2.The Tahsildar
Avadi Taluk, Avadi
Chennai-54.

3.The Government of Tamil Nadu
by its Secretary
Public Works Department
Fort St. George, Chennai 600 009.

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Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the 1st respondent herein from proceeding any further in pursuance to the notice dated 18.09.2017 issued to the petitioner herein without strictly acting in consonance to the stipulation as laid down by this Court in WP.No.3466/2017.

For Petitioner : Mr.J.Thilagaraj

For RR1 to 3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. MrA.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims that he is residing in a small thatched house measuring around 900 sq.ft., at Door No.26, Anna Street, Muthamizh Nagar, Tirunindravur, Tiruvallur Taluk and District and the entire area is inhabited by the people belonging to lowest rank of the social and economical ladder and the persons similarly placed like that of the petitioner herein, have been issued with various documents such as Ration Card, EB Card, Property Tax Card etc. and according to the petitioner, the land on which his thatched house is situate is in S.No.301/1 of Tirunindravur Village. The petitioner was shocked and surprised to receive the impugned notice dated 18.09.2017 by the 1st respondent, alleging that the petitioner has encroached upon the water body and action is being taken to remove the encroachment as per the order dated 27.09.2016 made in WP.No.3466/2016. The petitioner in response to the said notice, has submitted a detailed representation dated 04.10.2017 by stating that he is a resident of the said place for quite a long time and he has been issued with EB Card etc., and in the event of his dispossession, he and his family would be put to irreparable loss and grave hardship and prayed for dropping of all further proceedings and despite receipt and acknowledgment, he is yet to be favoured with any kind of response and apprehending dispossession, the petitioner came forward to file the present writ petition.

4 The Court heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to afford an opportunity of personal hearing to the petitioner or his authorised representative and thereafter, consider and dispose of the petitioner's representation dated 04.10.2017 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till such time, shall defer further decision in terms of the impugned notice dated 18.09.2017. It is also made clear that till the disposal of the representation by the 1st respondent, the petitioner shall not create any third party rights in respect of the land and superstructure in question and shall not alter the physical features of the same.

6 The writ petition stands disposed of with the above

direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP
To

1.The Assistant Engineer
PWD Water Resources Organization
Adyar Division, St. Thomas Mount
Chennai 600 016.

2.The Tahsildar
Avadi Taluk, Avadi
Chennai-54.

3.The Secretary,
Government of Tamil Nadu
Public Works Department
Fort St. George, Chennai 600 009.

+2cc to Mr.J.Thilagaraj, Advocate, S.R.No.83162
+1cc to the Government Pleader, S.R.No.83651

WP.No.30185/2017

GN(24/11/2017)

सत्यमेव जयते

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