

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

And

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.30573 of 2017
and WMP.No.33482 of 2017

D.Paramaguru

.. Petitioner

vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Thasildar,
Avadi Taluk, Avadi,
Chennai-600 070.

3.The Assistant Engineer,
P.W.D. Water Management,
Adyar Irrigation Division,
St.Thomas Mount,
Chennai-600 016.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 04.10.2017 for the personal hearing for the notice dated 18.09.2017 made in Notice Form III under Rule 6(1)I of the Act to ensure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was issued with notice under Form-III under Section 6(1)I of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 and the Rules framed thereunder alleging that in compliance of the order dated 27.09.2016 made in W.P.No.3466 of 2016 [T.K.Devendran v. The State of Tamil Nadu, Rep by Principal Secretary, Revenue

Department, Fort St.George, Chennai-9 and 5 others] action is being taken to remove the encroachments in Thiruninravur lake and in response to the same, the petitioner has submitted representations dated 04.10.2017 and 22.11.2017 stating among other things that from the year 1996, the petitioner's father has put up a house under Group Housing Scheme and nearby his residence, there are 150 families are residing like that and the petitioner's superstructure has been given electricity service connections and the petitioner is also issued with Family Ration Card, Voter Identity Card and Aadhar Card and therefore, prays for appropriate orders.

3. This Court has put a specific question to Mr.R.Sankarasubbu, learned counsel appearing for the petitioner as to the occupation of the petitioner and then only, the fact that the petitioner is a practicing Advocate and a member of Thiruvallur Bar has been disclosed by the learned counsel appearing for the petitioner.

4. Though the petitioner prays for 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 either in his representations or in this writ petition, directs the third respondent to consider and dispose of the petitioner's representation dated 04.10.2017 and 22.11.2017, after giving him an opportunity of personal hearing and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till such time the respondents shall defer further action in terms of the impugned notice dated 18.09.2017. It is made clear that the petitioner, till the disposal of the representation by the third respondent, shall not create any third party rights in respect of the land and superstructure in question and shall not alter it's physical features.

5. It is also made clear that either the Commissioner of Avadi Municipality or the Executive Officer, Vasavapalayam Panchayat, Thiruvallur District is directed to cause inspection of the superstructure put up by the petitioner, photographs of which is enclosed in page 15A of the typed set of documents and if it is found that the superstructure has been put up without any planning permission/unauthorized construction/deviated construction, shall take further action in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner and also file a status report before this Court.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Call on 05.03.2018 "For Reporting Compliance". Status Report of the Commissioner, Avadi Municipality or the Executive Officer, Vasavapalayam Panchayat, Thiruvallur District by then.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm
To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Thasildar,
Avadi Taluk, Avadi,
Chennai-600 070.
- 3.The Assistant Engineer,
P.W.D. Water Management,
Adyar Irrigation Division,
St.Thomas Mount,
Chennai-600 016.
- 4.The Commissioner,
Avadi Municipality.
- 5.The Executive Officer,
Vasavapalayam Panchayat,
Thiruvallur District.

Copy to:The Section Officer/for reporting compliance
Writ Section, High Court,
Madras.

+1cc to Government Pleader SR.No.84761

sm:13.12.2017

W.P.No.30573 of 2017