

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.32702 to 32705 of 2017 and WMP.Nos.36017 to 36020 of 2017

Sajitha Banu .. Petitioner in WP No.32702 of 2017
Vajith Basha .. Petitioner in WP No.32703 of 2017
Noorulla Basha .. Petitioner in WP No.32704 of 2017
J.Anwar Ali .. Petitioner in WP No.32705 of 2017

Vs

The Assistant Engineer,
Public Works Department (Water Resource Organisation),
Adayar Irrigation Division,
St. Thomas Mount, Chennai - 16 .. Respondents in all the WPs

Common Prayer - Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioners from the houses at Door No.24 (in WP No.32702 of 2017) Door No.16 (in WP No.32703 of 2017) , Door No.16 (in WP No.32704 of 2017), Door No.23 (in WP No.32705 of 2017), Kayidhe Millath Nagar, Anankaputhur, Chennai - 70 existing in SF No.235 of Anankaputhur Village, Pallavaram Taluk, Kancheepuram District.

For Petitioners in
all WPs : Mr.R.Nalliyappan in all WPs

For Respondents in
all WPs : Mr.A.N.Thambidurai, SGP

COMMON ORDER

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

By consent, all the writ petitions are taken up for final disposal by this Court vide common judgment, since the issue to be adjudicated, is one and the same. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the 1st respondent.

2 The petitioners claims to be residents of Door No.24, Door No.16, Door No.16, Door No.23, Kayidhe Millath Nagar, Anankaputhur, Chennai - 70 existing in SF No.235 of Anankaputhur Village, Pallavaram Taluk, Kancheepuram District respectively and according to them, the portion of the site on which they put up superstructure in S.F.No.235 of Anankaputhur Village, as per revenue records shown as "Stony Ground". It is

a specific case of the petitioners that the respondent claims that the said survey number is classified as water body and sought to evict / dispossess them without resorting to due process of law and in this regard, they also given a detailed representation dated 09.11.2017 and without considering and disposing of the same, attempts are being made to evict them, taking advantage of the weekend holidays and hence, prays for appropriate orders.

3 Mr.A.N.Thambidurai, learned Special Government Pleader appearing for respondent would submit that admittedly the petitioners are rank encroachers on the land in question and that apart ,they had put up unauthorised construction and would further add that the action is being taken strictly in accordance with law and prays for dismissal of these writ petitions.

4 This Court has considered the rival submissions and also perused the materials placed before it.

5 The apprehension expressed by the petitioners appears to be that without recourse to provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 and rules framed thereunder, action is being taken to dispossess /evict them and in this regard, they also submitted a representation dated 09.11.2017.

6 This Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the respondents to consider and dispose of the representation dated 09.11.2017 on merits and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order and till such time shall defer further decisions to evict / dispossess the petitioners from the site / superstructures in question and it is made clear that till the disposal of the representation by the respondent, the petitioners shall not create any third party rights in respect of the site / superstructures in question and shall not alter the physical features also.

7 The writ petitions stands disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Assistant Engineer,
Public Works Department (Water Resource Organisation),
Adayar Irrigation Division,
St. Thomas Mount, Chennai - 16

+lcc to government Pleader Sr.No.91478

+lcc to Mr.R.Nalliyappan, Advocate Sr.No.91026

PA(CO)
sm:17.1.2018

WP.Nos.32702 and 32705/2017



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