

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND  
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.37587 of 2015  
and  
M.P.No.1 of 2015

1.A.Dayalan

2.S.Arumugam

3.S.Anjalai

4.N.Dinakaran

5.R.Durai

6.Arumugam

7.E.Anjalai

8.E.Perumal

9.Karthi

10.Narayanasamy

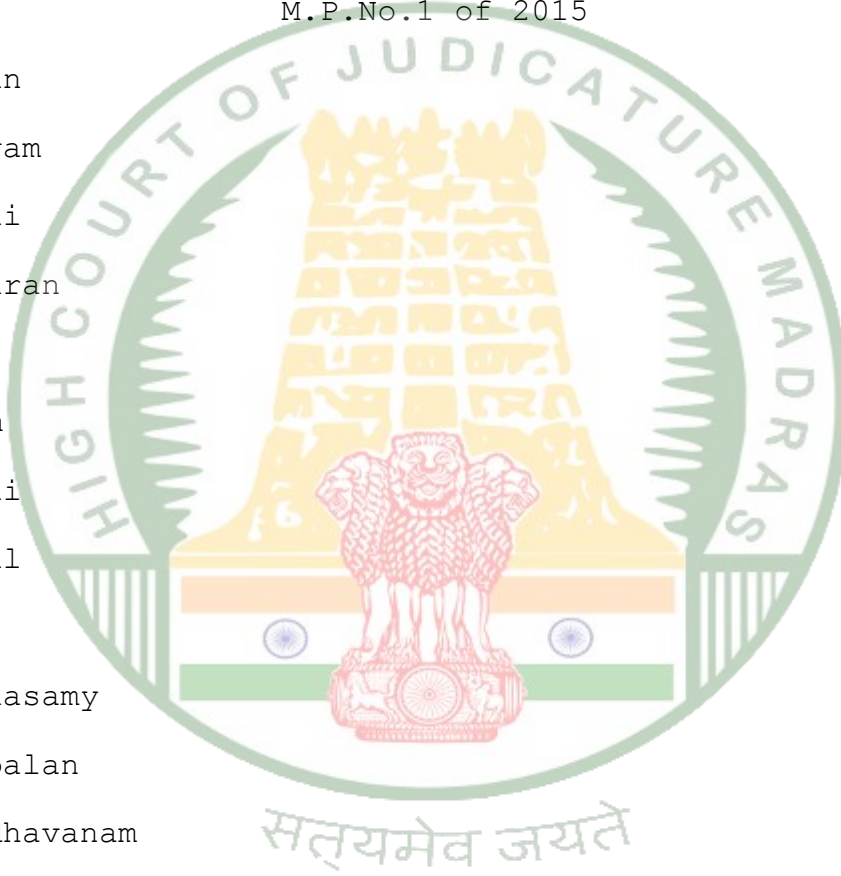
11.R.Jayabalan

12.S.Brindhavanam

13.R.Sekar, s/o.Ramasamy

14.R.Sekar, s/o.Ragavan

15.J.Sundaramoorthy



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... Petitioners

Vs

1. The Secretary to Government  
Public Works Department,  
Fort St. George,  
Chennai-600 009.

2. The Junior Engineer,  
Public Works Department,  
Water Resources Organization,  
Vandavasi-604 408.

3. The Tahsildar,  
Vandavasi Taluk, Vandavasi,  
Thiruvannamalai District.

4. S.Viswanathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from evicting the petitioners from their respective house and lands situated in S.No.271/1, Kizhkodungallur village, Vandavasi Taluk, Thiruvannamalai District till the disposal of W.P.No.1294 of 2009.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.T.N.Rajagoapalan  
Special Government Pleader  
for R1 to R3

Mr.P.Mani for R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The prayer in this writ petition is for forbearing the respondents from evicting the petitioners from the occupation of S.No.271/1, Kizhkodungallur Village, Vandavasi Taluk, Thiruvannamalai District till the disposal of W.P.No.1294 of 2009.

2. It is suffice to say that admittedly the occupation of the petitioners is in respect of the classification of Periya Eri and thus, it is a water body. In view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 WLR 1029, neither pattas can be issued, nor regularisation take place.

3. The authorities have already passed orders under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

4. In view of the aforesaid, there is no merit in this petition.

5. We, however, make it clear that this will not preclude the authorities from rehabilitating the petitioners to some other place, if they so desire.

6. The writ petition is dismissed in terms aforesaid. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Secretary to Government  
Public Works Department,  
Fort St. George,  
Chennai-600 009.
2. The Junior Engineer,  
Public Works Department,  
Water Resources Organization,  
Vandavasi-604 408.
3. The Tahsildar,  
Vandavasi Taluk, Vandavasi,  
Thiruvannamalai District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.4532  
+1cc to the Government Pleader, S.R.No.4502

W.P.No.37587 of 2015

RSY(CO)  
CA(31/01/2017)

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