

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.11549 of 2017

E.Kasi

... Petitioner

vs.

1. The Assistant Engineer,
Public Works Department, (WRO),
(Irrigation Section),
Gudiyattam Taluk,
Vellore District.
2. The District Collector,
Vellore District,
Vellore.
3. The Tahsildar,
Gudiyattam Taluk,
Vellore District.
4. The Village Administrative Officer,
Agravaram Village,
Gudiyattam Taluk,
Vellore District.
5. The Block Development Officer,
Gudiyattam Panchayat Union,
Gudiyattam Taluk,
Vellore District.

6. G.Raman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records in connection with the impugned notice, dated 13.03.2017 issued by the 1st respondent under Form III under Section 6(1) of the Tamil Nadu Land Encroachment Act and quash the same.

For Petitioner : Mr.M.Jagadeesan
for Mr.I.Abraham

For Respondents 1 to 4 : Mr.A.N.Thambidurai,
Special Government Pleader

For 5th Respondent : Mrs.M.E.Rani Selvam,
Additional Government Pleader

For 6th Respondent : No appearance

O R D E R

(Order of the Court was made by S.VAIDYANATHAN,J.)

Seeking to quash the impugned notice, dated 13.03.2017 issued by the 1st Respondent under Form III under Section 6(1) of the Tamil Nadu Land Encroachment Act (in short 'the Act'), the Petitioner has come up with the present Writ Petition.

2. According to the Petitioner, there are about 150 families in S.No.83, Agravaram Village, Gudiyattam Taluk and that the Respondents attempted to evict him on the ground that he has encroached the water body. It is stated that a notice under Section 7 of the Act was issued and final order under Section 6 of the Act was passed on 13.03.2017. Hence, the Petitioner herein along with others approached this Court by filing W.P.No.31369 of 2016 and by an order dated 18.10.2016, this Court directed the authorities concerned to take a decision on the issue of rehabilitation of the eligible persons within three months from the date of that order. It was also observed therein that no direction can be issued in the said Writ Petition, nor is the challenge to the impugned notice under Rule 6 of the said Rules in Form III, sustainable.

3. Pursuant to the order of a Division Bench of this Court, eligible persons for rehabilitation have been identified and after enumeration, the Petitioner has been identified as one of the eligible persons to be allotted an alternative site and Patta has been given in his favour. Even though the Petitioner has sought for quashing the notice under Section 6(1) of the Act under Form III, it is his submission that he could not enter the alternative site, that has been allotted to him.

4. Since the Petitioner has been allotted alternative site and Patta has been issued in his favour, this Court finds no reason to interfere with the impugned order. However, we direct the Respondents herein to depute two Police Officials to enable the Petitioner to enter the alternative site.

5. The Writ Petition is closed with the above observation (s) and direction(s). No costs. Consequently, connected W.M.P.Nos.12539 to 12541 of 2017 are closed.

Sd/-
Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Assistant Engineer,
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(Irrigation Section),
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Vellore.
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Gudiyattam Panchayat Union,
Gudiyattam Taluk,
Vellore District.

+1cc to the Government Pleader, S.R.No. 8005

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Order in
W.P.No.11549 OF 2017

GJ II (CO)
TR(20/02/2018)