

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9802/2018 & WMP.Nos.11728 & 11729/2018

- 1.Arumugam
- 2.Mani
- 3.Baskaran
- 4.Vijayakumar
- 5.Radha
- 6.Ezhumalai
- 7.Paavadai
- 8.Lakshmi
- 9.Amsavalli
- 10.Chandirasekaran

.. Petitioners

Versus

- 1.The District Collector
Cuddalore District.
- 2.The Sub Collector
Cuddalore.
- 3.The Assistant Engineer
Public Works Department [PWD]
and Water Resource Department [WRD]
Cuddalore-1.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the petitioners representation cum objection dated 28.10.2016 and due inspection of the petitioners area Kamaraj Ngar, Vanniarpalayam, Cuddalore.

For Petitioners : Mr.R.Palanisamy
For Respondents : Mr.R.Udhayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioners claim to be the residents of Kamaraj Nagar, Vanniyarpalayam Village, Cuddalore District for more than 30 years and on the respective sites, they have also put up superstructures and were also subjected to statutory levies. The petitioners would further claim that they have been issued with Voters ID Card, Aadhar Cards and provided with all benevolent schemes of the Government of Tamil Nadu. The grievance expressed by the petitioners is that all of a sudden, they have been issued with notices in Form-III under [Rule 6[1]] of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Rules, 2007. The petitioners and 22 others, on receipt of the same, had submitted a joint representation dated 28.10.2016 pointing out among other things that there is no possibility of flooding or inundation during rainy season for the reason that the location of their lands and superstructures are far away from the river bed and prays for protection. The petitioners apprehending dispossession pending consideration of the said representation, came forward to file the present writ petition.

3 The learned counsel for the petitioners has drawn attention of this Court to the typed set of documents and would submit that evidencing long possession and enjoyments, documents of sterling quality have been filed and assuming for the sake of argument that the lands are classified as river bed, the respondents, before evicting the petitioners, shall provide them alternate accommodation as they belong to poor and downtrodden community.

4 Per contra, Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that five other persons, viz., Tvl.S.Pachaiyappan, A.Karthikeyan, A.Shankar, S.Ramakrishnan and R.Amirthalingam, who are similarly placed like that of the petitioners herein, had filed WP.Nos.4729 to 4733/2018 and this Court, had taken note of the submissions that alternate accommodation is being identified and granted the petitioners therein were granted time till 08.06.2018 to vacate and deliver vacant possession of site and superstructures and similar orders may be passed.

5 This Court has carefully considered the rival submissions and perused the materials placed before it.

6 Since in respect of persons similarly placed, this Court, vide Common Order dated 20.03.2018 in WP.Nos.4729 to 4733/2018, had granted time till 08.06.2018 to the petitioners therein. This Court is of the considered view that similar order can be passed in this writ petition also.

7 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioners, grants the petitioners herein time till 08.06.2018 to vacate and deliver sites and superstructures to the 3rd respondent.

8 In the light of the undertaking given in the above said writ petitions by the jurisdictional Revenue Divisional Officer that provision of alternate site is also pending consideration, the respondents 1 and 2 shall make every endeavour to identify the alternate accommodation for the purpose to accommodate the petitioners after due and proper enumeration and the said exercise is to be carried out on or before 07.06.2018.

9 The writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

AP

To

- 1.The District Collector
Cuddalore District.
 - 2.The Sub Collector
Cuddalore.
 - 3.The Assistant Engineer
Public Works Department [PWD]
and Water Resource Department [WRD]
Cuddalore-1.
- +2 Ccs to Mr.R. Palanisamy, Advocate sr 30195.
+1 CC to Govt. Pleader sr 29958.

WP.No.9802/2018

SJ(CO)
SP(02/05/2018)