

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:08.01.2018

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

W.P.Nos.34429 to 34434 of 2017 and
W.M.P.Nos.38257 to 38262 of 2017

V.Subramani	.. Petitioner in WP.34429/2017
M.Natarajan	.. Petitioner in WP.34430/2017
Joyce	.. Petitioner in WP.34431/2017
Shadik Basha	.. Petitioner in WP.34432/2017
A.Gnanavel	.. Petitioner in WP.34433/2017
R.Murugesan	.. Petitioner in WP.34434/2017

Vs.

- 1.The District Collector,
Kanchipuram District.
 - 2.The Tahsildar,
Pallavaram Taluk Office,
Kanchipuram District.
- ..Respondents in all WPs

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to conduct an enquiry as per the directions of this Court in W.P.Nos.43339, 43345, 43344, 43343, 43342 and 34434 of 2016 by order dated 16.12.2016 by giving opportunity to the petitioners relief thereof.

For Petitioner : Mr.V.T.Balaji

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

COMMON ORDER

[Order of the Court was made by S.VAIDYANATHAN J.]

Petitioners have come forward with these writ petitions to direct the respondents to conduct an enquiry as per the directions of this Court in W.P.Nos.43339, 43345, 43344, 43343, 43342 and 34434 of 2016, by order dated 16.12.2016, by giving opportunity to the petitioners relief thereof.

2.Heard both sides.

3.The case of the petitioners is that they have not encroached the water bodies, but, however, when they approached this Court by filing W.P.Nos.43339 to 43345 of 2016, this Court on 16.12.2016 had passed the following order:

"2.It is nobody's case that pattas have been issued in respect of these lands. Thus, the scope of enquiry is limited to the extent of whether the area is a water body and covered under the provisions of the Tamil Nadu Protection of Tanks and Eviction of

Encroachments Act, 2007 or not.

3. Thus, it is agreed that the notices impugned in the present writ petitions, which have been received by the individual petitioners, will be treated as a notice to show cause and they may file their reply within fifteen days with material to establish that the area in question is not a water body covered under the provisions of the said Act. An enquiry would be held and thereafter appropriate orders passed by the competent authority within a maximum period of one month thereafter. Naturally, till the enquiry is not completed, no coercive process will be taken and in case the verdict is against the petitioners, for a period of two weeks after communication of the order of the petitioners."

4. After the orders of this Court, the petitioners are said to have made representations and according to the petitioners, the application is yet to be disposed of. Further, the Learned Counsel for the petitioners submitted that the petitioners apprehend that they may be evicted.

5.Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents would submit that the petitioners have shown some photographs, which are not pertaining to the area of the petitioners. But, however, if the representation is not already disposed of, after an opportunity of being heard is given to the petitioners, the same will be done immediately within the time, that may be stipulated by this Court.

6.Taking note of the submissions of both parties and that already there is a direction by this Court in directing the concerned respondent to dispose of the representation, within a period of one month, this Court makes it very clear that if the orders have not been passed within the time stipulated by this Court in W.P.Nos.43339 to 43345 of 2016 dated 16.12.2016, this Court directs the authorities to take a final decision within a period of four weeks from the date of receipt of a copy of this order.

7.However, if orders have already been passed, by not complying with the earlier directions of this Court passed in W.P.Nos.43339 to 43345 of 2016 dated 16.12.2016, this Court

makes it clear that appropriate departmental action has been taken against the officials, who are responsible to comply with the directions of this Court. It is open to the petitioners and the aggrieved persons, who are likely to be affected/complainant, if any to put forth their objections before the authority in question.

8. With the above observations, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[M.V., J.] [S.V.N., J.]

08.01.2018

Speaking Order

Index :Yes / No

Internet :Yes / No

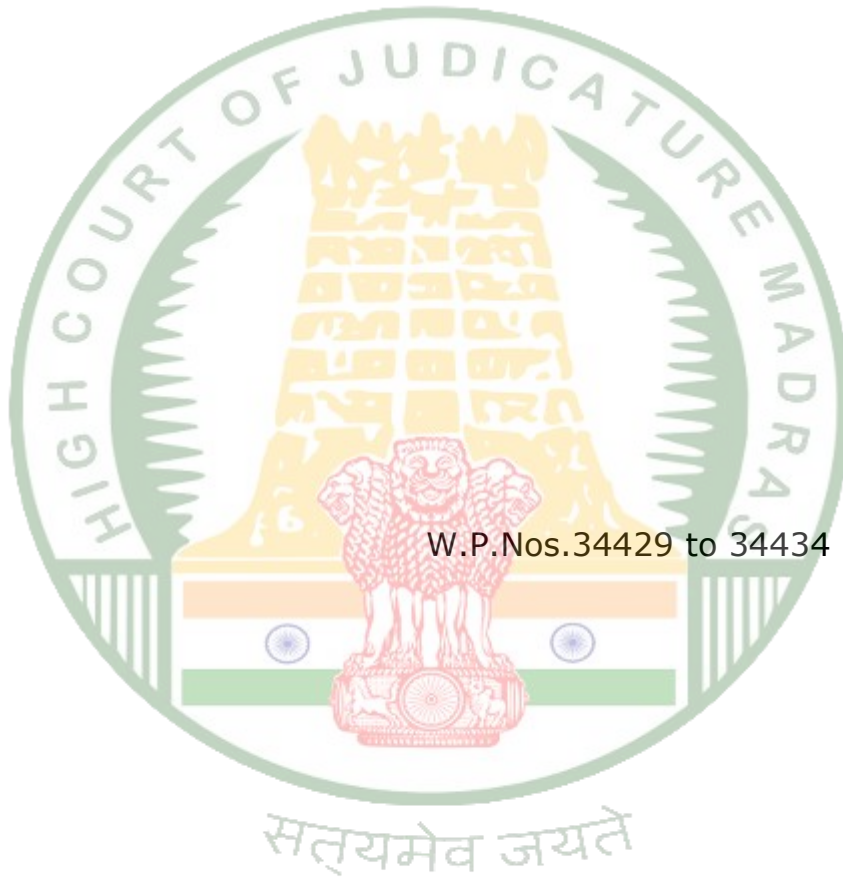
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To

1. The District Collector,
Kanchipuram District.
2. The Tahsildar,
Pallavaram Taluk Office,
Kanchipuram District.
3. The Government Advocate,
High Court, Madras.

M.VENUGOPAL, J.
and
S.VAIDYANATHAN, J.

Sgl



W.P.Nos.34429 to 34434 of 2017

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