

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.27154, 27157, 27158 and 27162 of 2018 and
connected Miscellaneous Petitions

R.Prakash ...Petitioner in W.P.No.27154/2018
Mariyet Grace ...Petitioner in W.P.No.27157/2018
Pugazhendhi ...Petitioner in W.P.No.27158/2018
K.Sukumar ...Petitioner in W.P.No.27162/2018

-vs-

The Assistant Engineer
PWD, Water Resource Department,
Cooum River Division,
Chepauk, Chennai - 600 005. ...Respondent

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Certiorari, calling for the records of the respondent herein in
his impugned notice dated 17.09.2018, 17.09.2018, 18.09.2018 and
17.09.2018 respectively issued under Section 7 of the Land
Encroachment Act III of 1905 and quash the same.

For Petitioners: Mr.R.Ravi (in all WPs)

For Respondent : Mr.J.Pothiraj
Special Govt.Pleader (in all Wps)

C O M M O N O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN, J.]

The notice issued under Section 7 of the Land Encroachment
Act, 1905 is under challenge in the writ petitions filed by the
alleged encroachers.

2. The writ petitions were filed primarily on the ground
that the authority to whom the objection should be given has not
been mentioned in the notices.

3. When the writ petitions are taken up for hearing, the learned counsel for the petitioner in the respective writ petitions fairly submitted that after filing the writ petitions, the Assistant Executive Engineer served final orders under Section 6 of the Land Encroachment Act.

4. The notices calling upon the respective petitioners to submit objection alone is under challenge in these writ petitions. Now that the statutory authority has passed a final order under Section 6 of the Land Encroachment Act, the remedy of the petitioners is only to challenge the said order in the manner known to law. It is open to the petitioners to take up all contentions available to them when they challenge the order before the appropriate authority.

5. The writ petitions are disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

The Assistant Engineer
PWD, Water Resource Department,
Cooum River Division,
Chepauk, Chennai - 600 005.

+4ccs to Mr.R.Ravi, Advocate Sr.71529
+1cc to the Government Pleader Sr.71456

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srg 14/11/2018