

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.26912 of 2018 and
W.M.P.Nos.31267 & 31271 of 2018

1 Sekar
2 Agastin Jayaprakash
3 Sugumar
4 Jothi
5 L.Devi
6 Usha ... Petitioners

v.

1 The District Collector
Kancheepuram District
Kancheepuram
2 The Assistant Engineer
Public works Department/ Water Resources
Department, Aadayar Irrigation Division
Punitha Thomes Malai
Chennai - 600 016
3 The Thasildar
Pallavaram Taluk
Kanchipuram District ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records pertaining to the notice dated 20.09.2018 issued by the 2nd respondent and to quash the same and consequently direct the respondents to allow the petitioners to continue the peaceful possession of the properties at Door No. 7, Door No. 16/ 20-A, Door No. 4, Door No. 12, Door No. 6 and Door No. 6-A situated in Kamatch Amman Nagar Annex, Mangadu, Kanchipuram District.

For Petitioners : Mr.V.Govardhanan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the notice dated 20.09.2018 issued by the 2nd respondent and to quash the same and consequently direct the respondents to allow the petitioners to continue the peaceful possession of the properties at Door No. 7, Door Nos. 16/ 20-A, 4, 12, 6 and 6-A situated in Kamatch Amman Nagar Annex, Mangadu, Kanchipuram District.

2. The petitioners are challenging the notice dated 20.09.2018 issued by the 2nd respondent under Section 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007. Further, it is the case of the petitioners that the petitioners are not residing in the water body land and their houses are situated beyond the parts of the water body area.

3. However, the 3rd respondent filed his counter wherein he has stated that Survey No.533 is classified as Channel Poromboke.

4. The 3rd respondent has categorically stated that the properties mentioned in the Writ Petition are Channel Poromboke.

5. In view of the categorical statement made by the 3rd respondent-Thasildar, we do not find any error or irregularity committed by the 2nd respondent in issuing the impugned notice dated 20.09.2018. In these circumstances, the Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rj

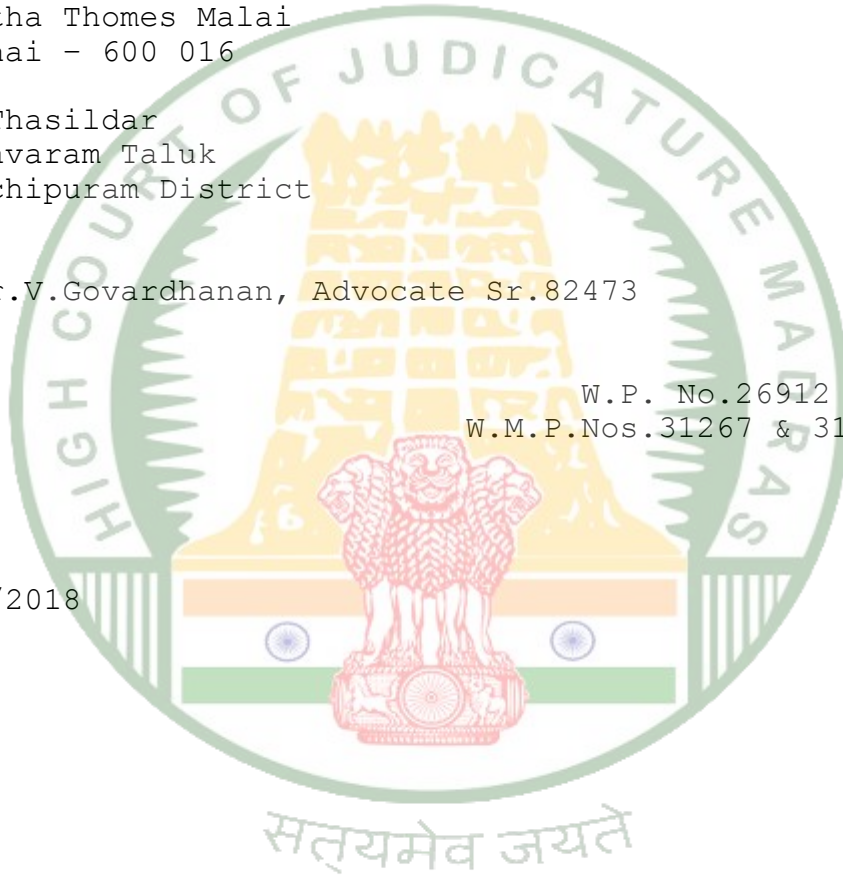
To

- 1 The District Collector
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Kancheepuram
- 2 The Assistant Engineer
Public works Department/ Water Resources
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Kanchipuram District

+1cc to Mr.V.Govardhanan, Advocate Sr.82473

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srg 11/12/2018



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