

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM:

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

W.P.No.27438 of 2018 and
WMP Nos.31940 and 31941 of 2018

K.Kalyani

...Petitioner

-vs-

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The District Collector,
Chennai District, Chennai.
- 3.The Tahsildar,
Ambattur Taluk,
Ambattur, Thiruvallur District.
- 4.The Section Officer,
P.W.D. Water Resources Department,
Redhills Irrigation Section,
Redhills, Chennai - 600 052.
- 5.The Assistant Engineer,
Electricity Distribution Office,
Kallikuppam, Chennai - 600 053.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records of the 4th respondent notice dated 26.02.2018 in Notification No.70/B.A./2-18 Form III under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 and quash the same as null and void and consequently forbear the respondents from anyway disturbing the petitioner's peaceful possession and enjoyment of the land comprised in Survey No.813/2B of Korattur Village, Ambattur Taluk, bearing No.21 (Plot No.32) Gandhi Street, Muthamizh Nagar, 8th Street, Kallikuppam, Chennai - 600 053.

For Petitioner : Mr.K.Sakthivel
For Respondents: Mr.J.Pothiraj
Special Govt.Pleader for R1 to R3

O R D E R
[Order of the Court was delivered by
K.K.SASIDHARAN,J.]

The 4th respondent initiated proceedings against the petitioner under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Since notice was not issued in accordance with the direction issued by the Division Bench in T.S.Senthil Kumar v. Government of Tamil Nadu and others [(2010) 3 MLJ 771], the petitioner has come up with this writ petition.

2. When this writ petition came up for admission on 12.10.2018, the learned Special Government Pleader took notice on behalf of the respondents and sought time to take instructions.

3. When the writ petition is taken up for hearing today, the learned Special Government Pleader submitted that the 4th respondent is withdrawing the impugned order with liberty to issue notice to the petitioner and to pass appropriate orders on merits after giving her opportunity for hearing.

4. Since the 4th respondent has already withdrawn the impugned notice, nothing survives for adjudication in this writ petition. We give liberty to the 4th respondent to issue fresh notice to the petitioner. The petitioner should be given reasonable time to submit her objections. The 4th respondent must consider the objection objectively and appropriate orders should be passed.

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

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

svki

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The District Collector,
Chennai District, Chennai.

3.The Tahsildar,
Ambattur Taluk,
Ambattur, Thiruvallur District.

4.The Section Officer,
P.W.D. Water Resources Department,
Redhills Irrigation Section,
Redhills, Chennai - 600 052.

5.The Assistant Engineer,
Electricity Distribution Office,
Kallikuppam, Chennai - 600 053.

+2 Ccs to Mr.K.Sakthivel, Advocate sr 75643.

+1 CC to Govt. Pleader sr 76484.

W.P.No.27438 of 2018

GJII (CO)
SP(19/11/2018)

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