

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.28937 of 2018 and
WMP Nos.33823 and 33825 of 2018

M.Rajendran

...Petitioner

-vs-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.
- 3.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu, Kancheepuram District.
- 4.The Assistant Engineer,
Public Works Department,
WRO - Irrigation Section,
Chengalpattu Taluk, Kancheepuram District. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the order of the 3rd respondent made in Na.Ka.No.1782/2018/A2 dated 20.09.2018 and that of the consequential notice of the 4th respondent made in Form-III dated 27.09.2018 to quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Udhayakumar
Addl.Govt.Pleader

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 1.11.2018, the learned Additional Government Pleader took notice on behalf of the respondents. The matter was adjourned to be posted today so as to enable the learned Additional Government Pleader to take instructions as to whether the notice could be withdrawn with liberty to issue a fresh notice to the petitioner and to pass appropriate orders thereafter.

3. When the writ petition is taken up for hearing today, the learned Additional 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 him 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 Since the 4th respondent has already withdrawn the impugned notice, nothing survives for adjudication in this writ petition.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 his 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.

3.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu, Kancheepuram District.

4.The Assistant Engineer,
Public Works Department,
WRO - Irrigation Section,
Chengalpattu Taluk, Kancheepuram District.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.75989
+1cc to the Government Pleader, S.R.No.76485

W.P.No.28937 of 2018

SPD(CO)

rrs 06/12/2018



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