

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.30566 of 2018 and

W.M.P.No.35650 of 2018

R.Vijayalakshmi

.. Petitioner

Vs.

1.The District Collector,
Kancheepuram District.

2.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

3.The Assistant Engineer,
PWD Water Resources Department,
Irrigation Section,
Padappai, Chennai - 600 052.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents from anyway disturbing the petitioner's peaceful possession and enjoyment of the land comprised in Survey No.261 of the Medavakkam Village, Tambaram Taluk, bearing 4/207-E/483, 9th Cross Street, Periyar Nagar Extension, Vellakkal, Medavakkam, Chennai - 600 100 without due process of law.

For Petitioner : Mr.K.Sakthivel

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 petitioner has filed the above Writ Petition to issue a Writ of mandamus forbearing the respondents from anyway disturbing the petitioner's peaceful possession and enjoyment of the land comprised in Survey No.261 of the Medavakkam Village,

Tambaram Taluk, bearing 4/207-E/483, 9th Cross Street, Periyar Nagar Extension, Vellakkal, Medavakkam, Chennai - 600 100 without due process of law.

2.It is the case of the petitioner that she has purchased the above referred house property on 16.07.2014. Further, she has stated that in Periyar Nagar Extension, no one was granted patta for their house site. Further, the petitioner submitted that on verification, the 3rd respondent informed her that the land is classified as Vellakkal Big Lake and therefore, she cannot remain in possession of the property.

3.The learned counsel appearing for the petitioner also submitted that the authorities have not issued any notice in Form-3 under Rule-6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act so far. Further, the learned counsel submitted that though the land is situated in a water body, the respondents can evict the petitioner only under due process of law.

4.Mr.V.Jayaprakash Narayanan, learned Government Pleader (I/C) appearing for the respondents submitted that the petitioner would be evicted from the water body only under due process of law.

5.In view of the submissions made by the learned counsel on either side, we are not inclined to entertain the Writ Petition for the reason that the learned Government Pleader (I/C) appearing for the respondents has stated that the 3rd respondent would evict the petitioner only following due process of law. In view of the same, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Kancheepuram District.

2.The Tahsildar,
Tambaram Taluk,
Kancheepuram District.

3.The Assistant Engineer,
PWD Water Resources Department,
Irrigation Section,
Padappai, Chennai - 600 052.

+1cc to M/s.Sakthivel, Advocate, S.R.No. 81863
+1cc to the Government Pleader, S.R.No. 82244

W.P. No.30566 of 2018 and
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KAN(CO)
GN(20/12/2018)



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