

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.12.2018

CORAM :
The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY
W.P. Nos.32744, 32694, 32709, 32712, 32715, 32718,
32745, 32747, 32751 and 32754 of 2018

Kumari	.. Petitioner in W.P.No.32744/2018
Chinraj	.. Petitioner in W.P.No.32694/2018
Shiva	.. Petitioner in W.P.No.32709/2018
P.Balakrishnan	.. Petitioner in W.P.No.32712/2018
A.Pitchaimuthu	.. Petitioner in W.P.No.32715/2018
N.Murali	.. Petitioner in W.P.No.32718/2018
Keppusamy	.. Petitioner in W.P.No.32745/2018
Shanmugaraj	.. Petitioner in W.P.No.32747/2018
Singappan	.. Petitioner in W.P.No.32751/2018
E.Adhi	.. Petitioner in W.P.No.32754/2018

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-vs-

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Chennai District.

3.The Junior Engineer,
Water Resources Department,
Public Works Department,
Government of Tamil Nadu,
Adyar Basin, St. Thomas Mount,
Chennai - 600 016.

4.The Managing Trustee,
Sri Ramachandra Education and Medical Trust,
No.1, Ramachandra Nagar, Porur,
Chennai - 600 116.

5.The Tahsildar,
Maduravoyal Taluk,
Chennai.

6.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

.. Respondent in
all WPs.

Prayer in all WPs:

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 17.11.2018 issued by the 3rd respondent to the petitioner and quash the same and direct respondent No.3 to consider the representation dated 24.11.2018 made by the petitioners.

For Petitioners : Mr.A.Gopinath and
Mr.S.Manuraj

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 to 3
and 5

Ms.D.Latha
for respondent No.6

R4 - Given up

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners have preferred these writ petitions being aggrieved by the notices dated 17.11.2018 issued by the third respondent under Form-III of the Tamil Nadu Protection of Tank and Eviction of Encroachment Rules, 2007 with regard to lands in S.No.39/1 situated in Chettiyar Agaram Village, Maduravoyal Taluk, Chennai District (W.P.Nos.32744, 32712, 32715, 32718, 32751 of 2018); S.No.86 situated in Thundalam, Maduravoyal Taluk, Chennai District (W.P.Nos.32694, 32709, 32747, 32754 of 2018) and S.No.370/1 situated in Porur Village, Maduravoyal Taluk, Chennai District (W.P.No.32745 of 2018).

2. The learned counsel for the petitioners contended that the Tamil Nadu Protection of Tank and Eviction of Encroachment Rules, 2007 contemplates issuance of a notice under Form-II before a notice is issued under Form-III of the said Rules.

3. The learned Government Advocate, on instructions from Thiru G.Mahendra Kumar, Junior Engineer, Water Resources Department, Public Works Department, Adyar Irrigation Section, St.Thomas Mount, Chennai-16, who is present in Court, admits that no notice was issued to the petitioners under Form-II of the said Rules prior to the notice issued under Form-III.

4. As the Tamil Nadu Protection of Tank and Eviction of Encroachment Rules, 2007 clearly contemplates issuance of notice under Form-II prior to the notice being issued under Form-III, notices under Form-III cannot be allowed to stand. Hence, the notices dated 17.11.2018 issued under Form-III to the petitioners are quashed. It would be open to the third respondent to proceed hereafter in accordance with law.

5. The writ petitions are allowed in terms aforesaid. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.

2.The District Collector, Chennai District.

3.The Junior Engineer, Water Resources Department,
Public Works Department, Government of Tamil Nadu,
Adyar Basin, St. Thomas Mount,
Chennai - 600 016.

4.The Tahsildar,
Maduravoyal Taluk, Chennai.

5.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai - 600 005.

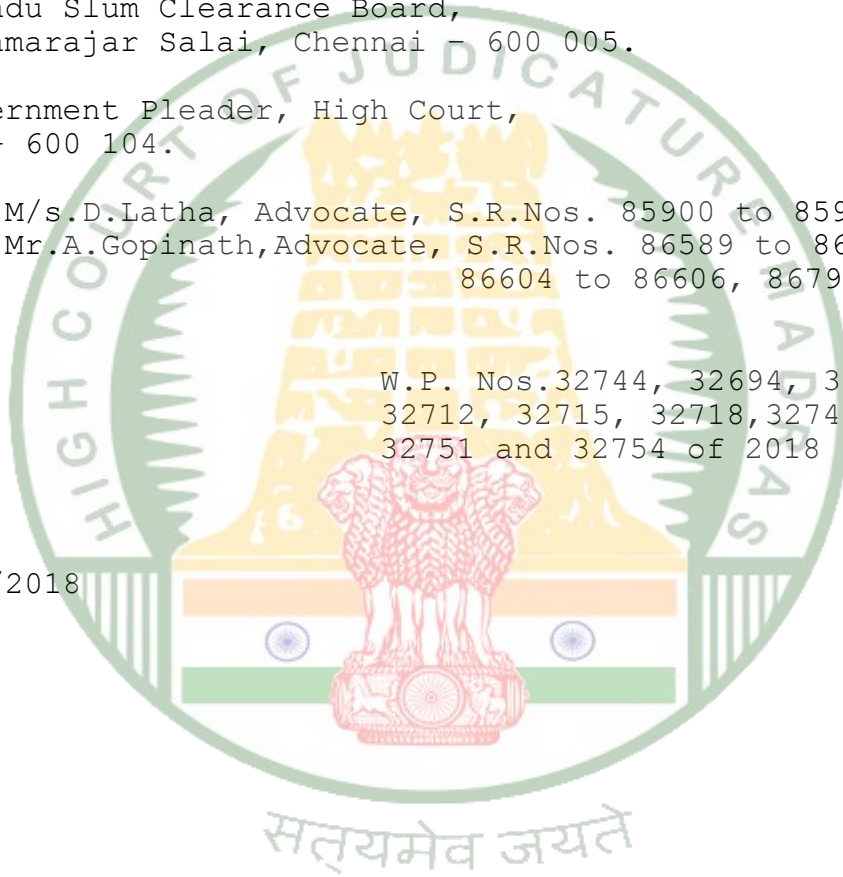
6.The Government Pleader, High Court,
Madras - 600 104.

+10ccs to M/s.D.Latha, Advocate, S.R.Nos. 85900 to 85909
+10ccs to Mr.A.Gopinath, Advocate, S.R.Nos. 86589 to 86593,
86604 to 86606, 86792 and 86793

W.P. Nos.32744, 32694, 32709,
32712, 32715, 32718,32745,32747,
32751 and 32754 of 2018

SJ(CO)

rrs 27/12/2018



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