

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.36271 to 36276 of 2007
and
M.P.Nos.1 to 1 of 2007

K.Singaram Petitioner in W.P.No.36271 of 2007
Kandasamy Petitioner in W.P.No.36272 of 2007
Rose Mary Petitioner in W.P.No.36273 of 2007
A.Geetha Petitioner in W.P.No.36274 of 2007
P.Raman Petitioner in W.P.No.36275 of 2007
Selvaraj Petitioner in W.P.No.36276 of 2007

Vs

1.The Junior Engineer,
Public Works Department,
Ni.Va.A. Irrigation Division,
Padapai-601 301.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

...Respondents in all W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari to call for the records on the file of the 1st respondent in proceedings No.Nil dated 19.11.2007 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.J.Ramesh, AGP

COMMON ORDER

The challenge made in these writ petitions is to the notices dated 19.11.2007 issued by the first respondent, wherein and whereby, the petitioners were called upon to evict the lands in S.No.432 of Pallavaram Village, Tambaram Taluk, Kancheepuram District, belonging to the Water Resources Organisation of Public Works Department, treating it as encroachment, within a period of 21 days from the date of receipt of the same, failing which, encroachment will be removed by the authorities themselves and appropriate cost will be imposed on the petitioners.

2.The case of the petitioners is that they have been in occupation of the patta lands in question for the past twenty seven years. After the purchase of the same, they sought for mutation of records. However, the same was unnecessarily delayed. While so, they received notices under Section 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, calling upon them to vacate the lands in question. Aggrieved over the same, the petitioners are before this Court.

3.The learned counsel for the petitioners submitted that the petitioners are the pattadars of the lands in question and they are not encroachers. However, the first respondent, without proper survey and without fixing the boundaries with regard to the disputed lands, issued the impugned notices to the petitioners, directing them to vacate the same, that too, without prior intimation to them, which are arbitrary, illegal and violative of the principles of natural justice and are hence, liable to be set aside. However, the learned counsel submitted that it would suffice, if the petitioners are given an opportunity to submit their objections in detail to the notices impugned herein, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioners to submit their objections in detail to the notices treating the same as show cause notices, to the respondent authorities, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent authorities shall consider the each and every issues raised by the petitioners by way of objections and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. As it is now reported by the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents that the petitioners are in occupation of the lands in question even today, the same shall be continued till the

final orders be passed by the respondent authorities within the time frame determined by this Court.

5. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jas/rk

To

1. The Junior Engineer,
Public Works Department,
Ni.Va.A. Irrigation Division,
Padapai-601 301.

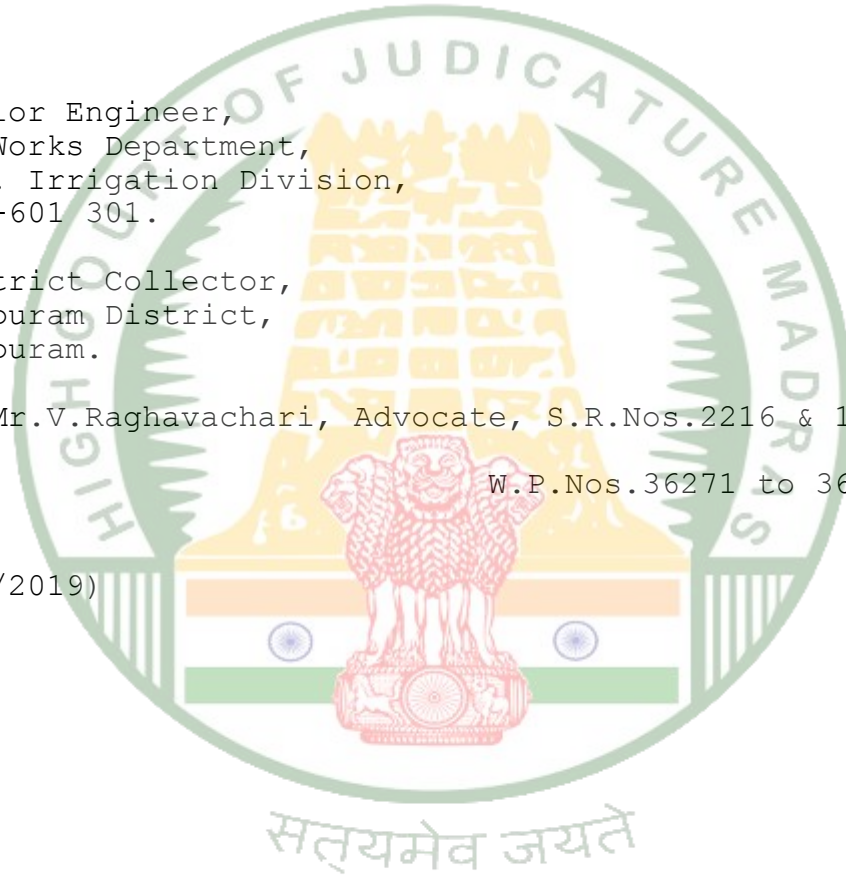
2. The District Collector,
Kancheepuram District,
Kancheepuram.

+2ccs to Mr.V.Raghavachari, Advocate, S.R.Nos.2216 & 1807

W.P.Nos.36271 to 36276 of 2007

SAI (CO)

RRS (09/05/2019)



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