

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.3945 of 2019

1 V.Kuppu Rao
2 M.Kumar
3 N.Dinesh Babu
4 R.Selvi Rajendran
5 P.Chelladurai
6 Ellaiaimmal
7 A.Munusamy
8 Venkat @ Venkatachalam
9 M.Arumugam
10 K.Devandiran ... Petitioners

Vs

1 The Collector
Chennai District
4th Floor, Singaravelar Malaigai
Rajaji Salai, Chennai - 600 001.
2 The Assistant Director of Land
Survey and Land Records
7th Floor, Singaravelar Malaigai
Rajaji Salai, Chennai - 600 001.
3 The Tahsildar
Madhavaram Taluk Office
Madhavaram, Chennai - 600 060.
4 The Assistant Engineer
Public Works Department
Shollavaram Irrigation Section
Redhills, Chennai - 600 052. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records in letter No.5/AE/Sholavaram/2019, dated 21.01.2019 issued by the 4th respondent and quash the same and consequently permit the petitioners to continue their occupation which is not in S. No.137.

For Petitioners : Mr.V.Bhiman
for M/s.S.Lokesh

For Respondents : Mr.S.N.Parthasarathi
Government Advocate

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioners have filed the above writ petition to issue a writ of certiorarified mandamus to call for the records in respect of the order dated 21.1.2019 issued by the fourth respondent and quash the same and consequently permit the petitioners to continue their occupation, which is not in Survey No.137.

2. It is the case of the petitioners that the fourth respondent had issued impugned notice under Form III of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 in respect of Survey No.137 and that the petitioners are not residing in Survey No.137 and that they are residing only in Survey Nos.134, 135, 136 and 138.

3. The fourth respondent filed a counter wherein he has categorically stated that the petitioners were issued with Form II notice on 7.1.2019 and that the petitioners gave their reply to the said notice on 11.1.2019 and, thereafter, the impugned notice under Form III was issued on 21.1.2019.

4. In the reply sent by the petitioners on 11.1.2019, the petitioners have specifically stated that they are residing only in Survey Nos.134, 135, 136 and 138 and not in Survey No.137. Even the consequential prayer sought for in the writ petition is to permit the petitioners to continue their occupation, which is not in Survey No.137.

5. Mr.S.N.Parthasarathi, learned Government Advocate appearing for the respondents submitted that the fourth respondent had issued the impugned notice dated 21.1.2019 under Form III of the Act only in respect of Survey No.137 and not in respect of Survey Nos.134, 135, 136 and 138. Since the petitioners are claiming their right only in respect of Survey Nos.134, 135, 136 and 138, the order passed by the fourth respondent in respect of Survey No.137 cannot be found fault with.

In such view of the matter, we are not inclined to entertain the writ petition and, accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P.Nos.4381, 4383 and 4386 of 2019 are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sasi

To:

- 1 The Collector
Chennai District
4th Floor, Singaravelar Malaigai
Rajaji Salai, Chennai-01.
- 2 The Assistant Director of Land
Survey and Land Records
7th Floor, Singaravelar Malaigai
Rajaji Salai, Chennai-01.
- 3 The Tahsildar
Madhavaram Taluk Office
Madhavaram
Chennai-60.
- 4 The Assistant Engineer
Public Works Department
Shollavaram Irrigation Section
Redhills, Chennai-52.

+1 CC to Mr.S.Logesh, Advocate sr 58688.

+1 CC to Govt. Pleader sr 58317.

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W.P.No.3945 of 2019

PM(CO)
SP(17/07/2019)