

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No.23502 of 2019
and

W.M.P. Nos.23295 and 23296 of 2019

1.N.Urban Jeevaraj
2.N.Gabriel Vijayanathan
3.N.Nthyananthan
4.N.Mary Rajeswari
5.N.Bridget Peter Manoharan
6.N.Erasmus Rajasekaran
7.Fathima
8.Ferdin Sunitha

...Petitioners

Vs.

1.The Director of Fisheries,
Department of Fisheries,
Teynampet, Chennai - 600 006.

2.The Assistant Director of Fisheries,
Department of Fisheries,
Royapuram, Chennai - 600 013.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records from the Second Respondent pertaining to the impugned order dated 30.07.2019 made in RC. No.883/A/2012 and to quash the same and direct the Respondents not to interfere with the Petitioner's property viz., land measuring one ground on the northern side of the Compound wall of the St.Francis Xavier Elementary School in the site R.S.No.3053/2 in the Tondiarpet Division, facing the Suryanarayana Chetty Street, Royapuram, Chennai - 600 013 with a building constructed thereon, in bearing Door No.248, Surya Narayana Chetty Street, Royapuram, Chennai- 600 013 in petitioner's possession and enjoyment.

For Petitioners : Mr.T.Dhanasekaran

For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader

O R D E R

Heard Mr. T. Dhanasekaran, Learned Counsel for the Petitioners and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners are aggrieved by the order RC. No. 883/A/2012 dated 30.07.2019 issued by the Second Respondent, which is in pursuance of the order dated 30.06.2019 in W.A. No. 1485 of 2013 passed by the Division Bench of this Court. The grievance sought to be ventilated by the Petitioners is that the Respondents cannot dispossess the Petitioners without resorting to the procedures prescribed by law.

3. Learned Additional Government Pleader appearing on behalf of the Respondents referring to the Additional Counter Affidavit dated 19.08.2019 filed by the Second Respondent submits that if the Petitioners do not vacate from the properties despite the reminders made, the Respondents would resort to eviction proceedings under the Tamil Nadu Land Encroachment Act, 1905, by issuing necessary notices to the parties to vacate from the properties.

4. In view of the aforesaid submissions made, the Learned Counsel for the Petitioners seeks permission of this Court to withdraw the Writ Petition with liberty to challenge any proceedings for eviction that may be taken by the Respondents under law.

5. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected miscellaneous petitions are closed. No costs.

rkp/gsa

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director of Fisheries,
Department of Fisheries,
Teynampet, Chennai - 600 006.

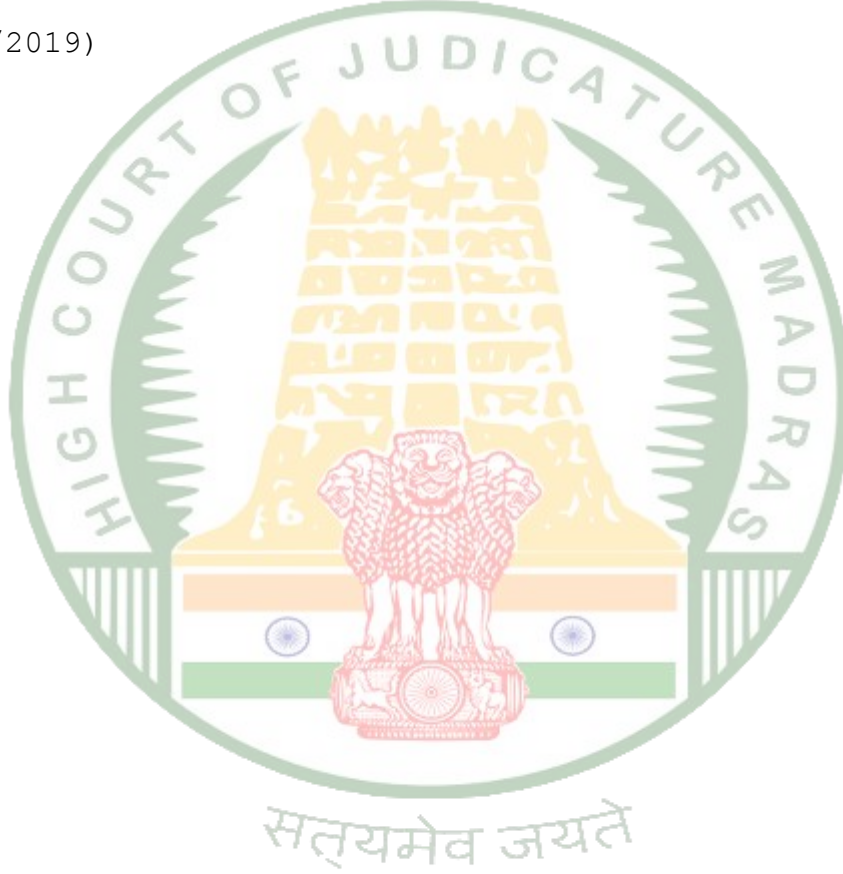
2.The Assistant Director of Fisheries,
Department of Fisheries,
Royapuram, Chennai - 600 013.

+1cc to Mr.T.Dhanasekaran, Advocate, SR.No.71394
+1cc to the Govt.Pleader, Vide Sr.No.70849

W.P. No.23502 of 2019
and

W.M.P. Nos.23295 and 23296 of 2019

Kak(16/09/2019)



WEB COPY