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W.P.(MD)Nos.24840 to 24854 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)Nos.24840 to 24854 of 2018

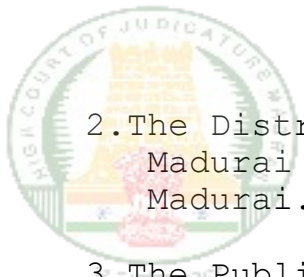
and

W.M.P. (MD)Nos.22513 to 22542 of 2018

K.Sreedevi	... Petitioner in WP(MD) . 24840/ 2018
P.Leela	... Petitioner in WP(MD) . 24841/ 2018
M.Selvaraj	... Petitioner in WP(MD) . 24842/ 2018
M.Kaluvayee	... Petitioner in WP(MD) . 24843/ 2018
P.Kalaiyarasi	... Petitioner in WP(MD) . 24844/ 2018
R.Maheswari	... Petitioner in WP(MD) . 24845/ 2018
M.S.Balu	... Petitioner in WP(MD) . 24846/ 2018
K.Sundarapandi	... Petitioner in WP(MD) . 24847/ 2018
S.Chellammal	... Petitioner in WP(MD) . 24848/ 2018
M.Kaliammal	... Petitioner in WP(MD) . 24849/ 2018
P.Muthu	... Petitioner in WP(MD) . 24850/ 2018
C.Sakthi	... Petitioner in WP(MD) . 24851/ 2018
A.Karupaiah	... Petitioner in WP(MD) . 24852/ 2018
A.Ganesan	... Petitioner in WP(MD) . 24853/ 2018
M.Seeniappan	... Petitioner in WP(MD) . 24854/ 2018

Vs.

1.The Department of Municipal Administration
and Water supply,
represented by its Principal Secretary,
Fort St.George,
Chennai-09.



2.The District Collector,
Madurai District,
Madurai.

3.The Public Works Department,
represented by its Executive Engineer,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.I,
Madurai-02.

4.The Tamil Nadu Slum Clearance Board,
represented by its Superintending Engineer,
169, K.K.Nagar Main Road,
Opp.Jawahar Hospital,
Madurai-625 020.

5.The Assistant Engineer,
The Public Works Department,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.1,
Madurai-02.

... Respondents in all the WPs

Prayer in all the Writ Petitions: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 28.11.2018, on the file of the respondent No.5 and quash the same as illegal and consequently forbear the respondents from evicting the petitioner in survey No.23/24 at Nethaji Road, Bibikulam, Madurai District without following due process of law.

For Petitioner
in all petitions : Mr.T.Lajapathi Roy

For Respondents
in all petitions : Mr.A.K.Baskara Pandian
Special Government Pleader
for R.1 to R.3 and R.5

: Mr.P.Mahendran
for R.4

: Mr.R.Murali
Madurai Corporation



COMMON ORDER

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

The petitioners have been issued with Form III notice, under Sub-Rule (1) of Rule 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and Rules framed therein and challenging the legality of the said notice, came forward to file these writ petitions.

2. In the affidavits filed in support of these writ petitions, it is averred among other things by the petitioners that there are 5000 families residing in Survey No.23/24, Bibikulam, Nethaji Main Road, Madurai District and there are 61 houses on the bunds of Bibiklam tank, which are in existence for more than 50 years, which comes under the control of Public Works Department and all the houses are occupied only by the daily wagers and other economically weaker section of the society.

3. The petitioners would further state in paragraph No.4 that "we have been living in the above said address for the period of past 60 years and they are having electric connection, voter Id card, Aadhaar and water connection and civil supplies ration card in the same address and they have no shelter except those houses, which are located in an extent of 3 cent and most of them are tiled houses". The representations submitted for grant of patta were also failed to invoke any kind of response. It is further averred by the petitioners that the Tamil Nadu Slum Clearance Board has also passed an order, on 09.02.2017, wherein they have stated about the survey of the land in the year of 1987-88 and preparation of lay out, which are to be allotted in Bibikulam and accordingly, Bibikulam I, II, III were selected for the Scheme and since the residents of Bibikulam II alone did not cooperate for the same, the Scheme could not be implemented and since the scheme is not in operation, the request made by the petitioners for grant of patta, cannot be considered. The said act was put to challenge in W.P(MD) No.6293 of 2017, by one R.Duraichamy and vide order dated 10.04.2017, a *status quo* was ordered to be maintained and the same is pending on the file of this Court.

4. A perusal of the affidavits filed in support of these writ petitions would disclose that the petitioners did not state anything pertains to their occupation and to proceed as if these Writ Petitions are public interest litigations.

5. A perusal of the order sheet would disclose that vide order dated 18.12.2018, taking into consideration the representation made by the learned Counsel appearing for the parties that the connected writ petitions in W.P.(MD)No.20927 of 2018 etc., batch are pending before some other Division Bench, the Registry was directed to place those matters before the Division Bench concerned, after



obtaining appropriate orders from the Honourable Chief Justice.

6. This Court, on going through the affidavits filed in support of these writ petitions as well as typed set of documents, has put a specific query to the learned Counsel appearing for the petitioners, as to whether any averment or any supporting documents have been filed in the typed set of documents, with regard to the possession of the petitioners, how long they are in possession and the documents in support of the said possession. However, the learned Counsel, after going through the affidavits and the typed set of documents, is unable to offer any explanation. In the typed set of documents, a copy of the Aadhaar Card of the petitioners bearing Nos.8538 9843 0011; 2172 6871 2986; 9847 0707 9822; 8154 1143 5098; 2704 3537 2895; 8900 0802 3104; 6027 3267 5631; 8197 6906 0765; 5749 1338 8849; 6834 8556 2565; 2217 2192 2994; 8734 7046 3325; 2489 7201 4612; 2629 1057 4350; and 4566 1764 4315 respectively and except the said documents, no other documents have been filed to show to the facts, as to the cases projected by these petitioners in these writ petitions.

7. In the considered opinion of this Court, the writ petitions are bereft of any material particulars and therefore, this Court is not inclined to entertain these writ petitions and accordingly, these writ petitions are dismissed, on account of non-furnishing of relevant and material particulars. However, the petitioners are granted liberty to file fresh writ petitions containing the relevant and material particulars as to their grievances. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

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ASSISTANT REGISTRAR (CO)

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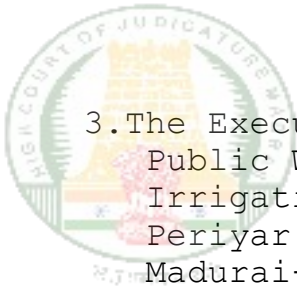
SUB ASSISTANT REGISTRAR

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To

1.The Principal Secretary,
Department of Municipal Administration and Water supply,
Fort St.George, Chennai-09.

2.The District Collector,
Madurai District,
Madurai.



3.The Executive Engineer,
Public Works Department,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.I,
Madurai-02.

4.The Superintending Engineer,
Tamil Nadu Slum Clearance Board,
169, K.K.Nagar Main Road,
Opp.Jawahar Hospital,
Madurai-625 020.

5.The Assistant Engineer,
The Public Works Department,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.1,
Madurai-02.

+13CC'S TO MR.T. LAJAPATHI ROY, ADVOCATE SR.Nos.81623, 81625,
81689 TO 81698,81696, 81699 AND 81700.

+15CC'S TO MR. P. MAHENDRAN, ADVOCATE SR 81408 TO 81411,
81448 TO 81453, 81456 TO 81460.

+1CC TO MR. R.MURALI, ADVOCATE SR 81287

W.P. (MD)Nos.24840 to 24854 of 2018

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