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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.20211 OF 2021
AND
W.M.P.NO.21471 OF 2021

Haridass

... Petitioner

-Vs-

1. The Chief Engineer,
Irrigation Department and Public Works Department,
Puducherry.
2. The Executive Engineer,
Irrigation Department and Public Works Department,
Puducherry.
3. The Superintending Engineer Phase-II,
Public Works Department,
Irrigation Department,
Puducherry.

4. Oliver

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent relating to the notice issued in No.1684/PW/EE1/DB/JE(P)-20/2021-22 dated 27.08.2021 and not to demolish the back side of the wall of the dwelling house of the petitioner and quash the same and consequently direct the respondents to take some portion of my land for construction of curve of the canal.

For petitioner : Mr.R.Chandrasekaran

For respondents : Mr.C.T.Ramesh,
AGP (Pondy)
For RR1 to 3



ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

Heard Mr.R.Chandrasekar, the learned counsel for the petitioner and Mr.C.T.Ramesh, Additional Government Pleader (Pondy) appearing for the respondents 1 to 3.

2. The petitioner challenges the notice dated 27.08.2021 issued by the 2nd respondent, in No.1684/PW/EE1/DB/JE(P)-20/2021-22 in this writ petition and seeks consequential direction.

3. The petitioner would state that he is residing at Door No.13, 11th Cross (Extn) Church Street, Sadhana Nagar, Krishna Nagar, Puducherry, for about 20 years. He has constructed a concrete house in the year 2001 and thereafter residing therein. It is also stated that he has obtained planning permission from the competent authorities. On receipt of the impugned order the petitioner himself has voluntarily taken steps to demolish the compound wall, for free flow of water in the back side of the house. Further, the petitioner had submitted his reply before the 2nd respondent.

4. According to the learned counsel for the petitioner, the respondents are attempting to demolish the house.

5. The learned Additional Government Pleader (Pondy) appearing for the respondents 1 to 3 would state that the impugned notice is only a letter providing opportunity to the petitioner to remove the encroachment. It is further stated that if the petitioner fails to remove the encroachment, the respondents will take action under the Public Premises (Eviction of Unauthorised Occupants) act, 1971.

6. In the light of the statement submitted by the learned Additional Government Pleader appearing for the respondents 1 to 3, we find no merit in this writ petition. It is to be noted that the petitioner had submitted his reply, the 2nd respondent shall consider the same and pass appropriate orders on merits and in accordance with law.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



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To

1. The Chief Engineer,
Irrigation Department and Public Works Department,
Puducherry.
2. The Executive Engineer,
Irrigation Department and Public Works Department,
Puducherry.
3. The Superintending Engineer Phase-II,
Public Works Department,
Irrigation Department,
Puducherry.

+lcc to Mr.R.Chandrasekaran, Advocate, S.R.No.50002
+lcc to the Government Pleader (Puducherry), S.R.No.50207

W.P.NO.20211 OF 2021 AND
W.M.P.NO.21471 OF 2021

SRA (CO)
PBS/20/10/2021