



WEB COPY

W.P. (MD) Nos.1696, 1699, 1702 & 1703 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) Nos.1696, 1699, 1702 & 1703 of 2021

and

W.M.P. (MD) Nos.1437, 1442, 1444 & 1449 of 2021

Subbiah : Petitioner in W.P. (MD) No.1696/21
Gnambal : Petitioner in W.P. (MD) No.1699/21
Ganesan : Petitioner in W.P. (MD) No.1702/21
Somu : Petitioner in W.P. (MD) No.1703/21

Vs.

1.The Commissioner,
(Land Administration),
Elilagam,
Chennai - 600 005.

2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.The Assistant Engineer,
PWD / WRO,
Irrigation Section - II,
Devakottai, Sivagangai.

: Respondents in all WPs.

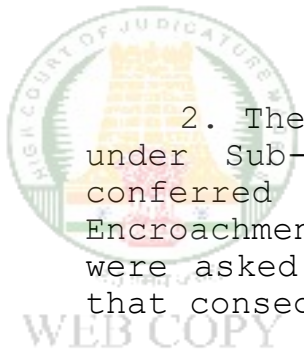
COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records pertaining to the impugned orders passed by the third respondent dated 12.11.2020 and quash the same.

For Petitioners : Mr.J.Anandkumar
For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader
[In all WPs.]

COMMON ORDER

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

In view of the commonality of the issues involved, all the writ petitions are taken up together and are disposed of by way of this common order.



2. The petitioners have been issued with notices under Form III under Sub-Rule 1 of Rule 6, in view of the rule making power conferred under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. By the said proceedings, the petitioners were asked to remove the encroachment, failing which, it is stated that consequential action would follow.

3. Mr.J.Anandkumar, learned Counsel appearing for the petitioners submitted that as against the very same properties, a suit has already been filed by the petitioners in O.S.No.4 of 2017 pending on the file of the District Munsif, Devakottai and an order of interim injunction has been obtained in I.A.No.94 of 2017. Therefore, the very initiation of the impugned proceedings is not correct.

4. Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents submitted that even the settlement register would indicate that the land in question is a water body.

5. We are not inclined to go into the merits of the aforesaid submissions raised by the respective parties. Admittedly, the petitioners have not been heard, before the passing of the impugned adverse order. By the impugned notices, the petitioners were merely asked to remove the encroachment. Therefore, we are inclined to treat the aforesaid notices as show cause notices. It appears the petitioners have already given a representation on 04.12.2020. This representation will have to be considered by the respondents and a reasoned speaking order will have to be passed, including the effect of the order obtained before the Civil Court. Such an exercise will have to be undertaken within a period of eight weeks from the date of receipt of a copy of this order. Till then, *status-quo*, as on date, shall be maintained.

6. With the above directions, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Commissioner,
(Land Administration),
Elilagam,
Chennai - 600 005.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.The Assistant Engineer,
PWD / WRO,
Irrigation Section - II,
Devakottai, Sivagangai.

+1 CC to M/s.SPL GP (SR-3332[F] dated 04/02/2021)

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02.02.2021

Sv2 (CO)
KB(12.02.2021) 3P 5C