



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.36929, 36935 & 36971 OF 2007

AND

W.M.P.NOS.1 & 2 OF 2007

Mrs.S.Parvathi ...Petitioner in W.P.No.36929 of 2007
Najima ...Petitioner in W.P.No.36935 of 2007
Mrs.S.Ambulu ...Petitioner in W.P.No.36971 of 2007

Vs.

1.The Junior Engineer,
Public Works Department,
Ni-Va-A. Irrigation Division,
Padapai 601 301
Kanchipuram District

2.The District Collector,
Kanchipuram District,
Kanchipuram.

...Respondents in W.P.Nos.36929 & 36971 of 2007

1.The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Government of Tamil Nadu,
Irrigation Division,
Padappai 601 301.

2.The District Collector,
Kancheepuram District,
Kancheepuram

...Respondents in W.P.No.36935 of 2007

Prayer in W.P.No.36929 of 2007 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the first respondent herein in proceedings Nil, dated 21.11.2007 and quash the same.



Prayer in W.P.No.36935 of 2007 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the issue of the notice for the removal of encroachment dated 19.11.2007 duly issued by Junior Engineer, Public Works Department, Water Resources Organization, Government of Tamil Nadu, Irrigation Division, Padappai 601 301, the 1st respondent herein in connection with the petitioner's property comprised of house, ground and premises bearing Door No.93, Arignar Anna Street, North Sanjay Gandhi Nagar, Pallavaram, Chennai-600 043, within Survey No.385 and quash the same.

Prayer in W.P.No.36971 of 2007 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the 1st respondent in proceedings Nil, dated 22.11.2007 and quash the same.

For Petitioner	:	Mr.A.Asokan in W.P.No.36929 of 2007
For Petitioner	:	Mr.D.Ashok Kumar in W.P.No.36935 of 2007
For Petitioner	:	Mr.V.Raghavachari in W.P.No.36971 of 2007
For Respondents	:	Mr.T.Chezhiyan, Additional Government Pleader in all the W.P's

COMMON ORDER

These Writ Petitions have been filed seeking quashment of the notices dated 21.11.2007 and 19.11.2007 issued by the 1st respondent.

2. The case of the petitioners is that they have been in occupation of the patta lands in question for the past twenty seven years. After the purchase of the same, they sought for mutation of records. However, the same was unnecessarily delayed. While so, they received notices under Section 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, calling upon them to vacate the lands in question. Aggrieved over the same, the petitioners are before this Court.

3.The learned counsel for the petitioners submitted that the petitioners are the pattadars of the lands in question and they are not encroachers. However, the first respondent, without proper survey and without fixing the boundaries with regard to



the disputed lands, issued the impugned notices to the petitioners, directing them to vacate the same, that too, without prior intimation to them, which are arbitrary, illegal and violative of the principles of natural justice and are hence, liable to be set aside. However, the learned counsel submitted that it would suffice, if the petitioners are given an opportunity to submit their objections in detail to the notices impugned herein, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioners to submit their objections in detail to the notices treating the same as show cause notices, to the respondent authorities, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent authorities shall consider the each and every issues raised by the petitioners by way of objections and pass appropriate orders, on 4 merits and in accordance with law, within a period of four weeks thereafter. As it is now reported by the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents that the petitioners are in occupation of the lands in question even today, the same shall be continued till the final orders be passed by the respondent authorities within the time frame determined by this Court.

5. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To:

1. The Junior Engineer,
Public Works Department,
Ni-Va-A. Irrigation Division,
Padapai 601 301
Kanchipuram District
2. The District Collector,
Kanchipuram District,
Kanchipuram.



3.The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Government of Tamil Nadu,
Irrigation Division,
Padappai 601 301.

+1cc to M/s.P.Sesubalan Raja, Advocate Sr.No.9654

+1cc to M/s.V.Raghavachari, Advocate Sr.No.9708

+1cc to the Government Pleader Sr.No.10251 to 10253

W.P.Nos.36929, 36935 & 36971 of 2007
and
W.M.P.Nos.1 & 2 of 2007

AJS (CO)
RVM(07/03/2022)