

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.4489, 4508 and 4510 of 2022

and all connected pending WMPs

Veeraraghavan

...Petitioner in all the WPs

vs

1.The Tahsildar, Cheyyur Taluk,
Chengalpet District.

2.The Block Development Officer,
Sithamur Panchayat Union
Chengalpet District.

3.The President, Sothupakkam
Panchayat Union, Sothupakkam,
Chengalpet District.

...Respondents in all the WPs

Common Prayer: Petitions filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned notices dated 02.12.2021 issued in Form III as per Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 on the file of the second respondent herein and quash the same respectively.

For Petitioner

: Mr.K.Govi Ganesan

For Respondents

: Mr.J.Ravindran,
Additional Advocate General
assisted by Mr.S.J.Mohammed
Sathik,
Government Advocate for
State

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

We have heard the learned counsel appearing on either side.

2. The writ petitions have been filed challenging the notices issued by the second respondent in Form III as per Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

3. After issuance of the said notices, reply was given by the petitioner and immediately thereafter, the writ petitions have been filed seeking to quash the same.

4. While examining the matter, the learned counsel for the petitioner himself realizes that a proper reply to the notices has not been given. In fact, the facts pertaining to W.P.No.4489 of 2022 were looked into wherein the Revenue records show that the land in S.No. 157 belongs to a pond whereas the reply to the said notices shows that it belongs to temples. It is as per the records produced by the petitioner himself.

5. In view of the above, the learned counsel for the petitioner seeks two weeks' time to file a proper reply and submits that if the reply is filed, the respondents may be directed to consider and pass a speaking order.

6. Accordingly, the writ petitions are disposed of with a direction to the petitioner to file fresh reply within two weeks. Till the reply is given by the petitioner pursuant to the directions issued by this Court, the respondents would not remove the encroachments. If the reply to the notices under Rule 6(1) of the said Rules is given within time, it would be considered and decided by the respondents by passing a speaking order within two weeks. It is made clear that if reply to the notices under Rule 6(1) of the said Rules is not given within the time prescribed above, it would be presumed that the petitioner has nothing to say against the notices and in that case, the respondents would proceed to remove the encroachments immediately. Consequently, all connected pending WMPs are closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Tahsildar,
Cheyyur Taluk, Chengalpet District.
- 2.The Block Development Officer, Sithamur
Panchayat Union, Chengalpet District.
- 3.The President, Sothupakkam
Panchayat Union, Sothupakkam,
Chengalpet District.

+1cc to M/s.K.Govi Ganesan, Advocate, Sr.No.20795 (30/03/2022)

W.P.Nos.4489, 4508 and 4510 of 2022

&

all connected pending WMPs

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srg 28/03/2022